

Montgomery County Circuit Court

FY2008/2009 Annual Report



“Administering Justice in an honest, fair, and efficient manner.”

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A Message from Ann S. Harrington, Administrative Judge...

Dear Residents of Montgomery County,

In our continued efforts to be responsive to the residents of Montgomery County, the Sixth Judicial Circuit has developed this annual report highlighting some of the Court's key accomplishments and planned goals for FY2009. This report also provides a brief history of Montgomery County's Circuit Court, and an overview of the Court's Departments and Offices.

The Circuit Court is committed to meeting the needs of Montgomery County residents, as well as ensuring that Justice is administered in an honest, fair, and efficient manner. The Court will continue to update and revise this report for subsequent fiscal years so that the public receives insight on implemented and planned initiatives. The Court prides itself on administering justice in an open and inviting manner. We hope that this report, in some small way, supports this desired goal.

Sincerely,
Ann S. Harrington,
Administrative Judge

Maryland Judicial Branch

Authorized by the Maryland Constitution, the Maryland Judicial branch has a four-court system: two trial courts (District Court and Circuit Courts) and two appellate courts (the Court of Special Appeals and the Court of Appeals). The function of a trial court such as the Montgomery County Circuit Court is to examine evidence in a case and to make judgments based on the facts, relevant laws, and legal precedents. The role of appellate courts is to review a trial court's actions and decisions in a given case and decide whether the court properly followed the appropriate laws and legal precedents.

The **District Court of Maryland** is a unified system and has 24 locations in 12 districts with at least one judge presiding in each county and Baltimore City. There are no jury trials in the District Court, and each case is heard and decided by a judge. The District Court hears minor civil cases, less serious criminal cases, peace order cases, landlord/tenant cases, and motor vehicle/boating violations.

The **Circuit Courts of Maryland** are the trial courts of general jurisdiction and located in all 23 counties and Baltimore City. In contrast to the District Court, which operates under a unified system, each circuit court operates more independently with its operations funded primarily by the county or city. Circuit courts generally handle major civil cases and serious criminal cases, as well as family law and juvenile cases. Circuit courts also handle most appeals from the District Court, orphans' courts, and administrative agencies.

The **Court of Special Appeals**, the state's intermediate appellate court, was created in 1966 in response to the rapidly-growing caseload in the Court of Appeals. While the Court of Special Appeals consists of 13 judges, cases are generally heard and decided by panels of three. There are six at-large judges and one judge from each of the state's seven Appellate Judicial Circuits. Montgomery County, which constitutes the seventh Appellate Judicial Circuit, has one judge appointed to the Court of Special Appeals. The court considers any reviewable judgment, decree, order, or other action of the circuit and orphans' courts, unless otherwise provided by law.

For more information about the Maryland Court of Special Appeals, access its website at <http://www.courts.state.md.us/cosappeals/>.

The **Maryland Court of Appeals** is the highest court in the State. The Chief Judge of the Court of Appeals, Robert M. Bell, sits on the Court along with six other judges. All seven judges hear oral arguments on each case unless a judge removes him/herself from a case. Montgomery County, the seventh appellate judicial circuit, holds one seat on the Court of Appeals. Since 1975, the Court of Appeals has heard cases almost exclusively by way of certiorari, a discretionary review process. Additionally, the Court of Appeals has exclusive jurisdiction over such diverse areas as death penalty cases, legislative redistricting, removal of certain officers, and certification of questions of law. *For more information regarding the Maryland Court of Appeals, access its website at <http://www.courts.state.md.us/coappeals/coaoverview.html>.*

There are other Adjudicatory Bodies in Maryland, three of which are highlighted below.

The **Office of Administrative Hearings** was created in 1990 to centralize and improve the administrative hearing process of government agencies in the State of Maryland. Citizens and businesses dissatisfied with an action by an agency of the State government may have their cases heard by Administrative Law Judges to obtain an impartial review. Administrative Law Judges are independent of the government agency whose action is being contested.

Orphans' Courts handle wills, estates, and other probate matters. The courts also share jurisdiction with circuit courts in the guardianships of minors and their property. Each Orphans' Court in the state of Maryland has assigned three judges except for Harford and Montgomery counties, where circuit court judges sit on the Orphans' Courts (MD Constitutional Article IV§20). *For more information on the Orphans' Courts, access their website at <http://www.msa.md.gov/msa/mdmanual/33jud/html/10orph.html>.*

The **Maryland Tax Court** hears appeals from the final decisions of any State or local government agency authorized to make decisions about tax issues. The Court is an independent administrative unit of the State government to perform quasi-judicial functions, such as the making of factual determinations and the resolution of legal tax issues.

The **Workers' Compensation Commission** administers the Workers' Compensation Law and adjudicates claims for compensation arising under the law (Code Labor and Employment Article, secs. 9-301 through 9-316). Reports of accidents are received and processed by the Commission which hears contested cases throughout the State. Claimants requiring rehabilitation are referred by the Commission to appropriate rehabilitation service providers. Appeals are to be filed in the Circuit Court that has jurisdiction over the adjudicated claim. *For more information on the Workers' Compensation Commission, access its website at <http://www.msa.md.gov/msa/mdmanual/25ind/html/80workf.html>.*

Montgomery County: Our Court History

Montgomery County was created on September 6, 1776 when Dr. Thomas Sprigg Wootton, a member of the Maryland Constitutional Convention, introduced a bill, which was ultimately passed, to divide Frederick into three counties---Frederick, Montgomery, and Washington.¹ In the same year, the delegates to the Constitutional Convention named commissioners who were responsible for purchasing the necessary land and erecting a courthouse in the County. Until construction was finished, the commissioners chose to hold legal proceedings at Leonard Davis's Tavern between 1777 and 1779. Then the court moved to Thomas Owen Williams' house, which was eventually remodeled to accommodate the demand of the court. The court was held in this converted house between late 1779 and early 1783.

First Courthouse in Rockville

In 1785, having realized that the original building commission was unable to build a courthouse, the General Assembly appointed a new commission to complete the project, who promptly acquired a suitable plot of land. There are no records regarding the purchase of this plot of land except documentation indicating that Francis Kidwell, a carpenter, built the courthouse on the purchased land. The courthouse was of sufficient size to accommodate not only the court but also other officers of the county until 1810 when it became necessary to construct a separate building to house the clerk of the court and the Court's records.



Montgomery County Courthouse of 1840

¹ The information in this section was drawn from the following sources:

Morris L. Radoff. *The County Courthouses and Records of Maryland. Part One: The Courthouses*. Publication No. 12. Annapolis, MD: The Hall of Records Commission, 1960.

Fisher, P. G., and McGuckian, E. S. 1991. *The Red Brick Courthouse: A Centennial History of Montgomery County, Maryland's Third Courthouse*. Friends of the Red Brick Courthouse.

Bar Association of Montgomery County, Maryland. *Centennial Pictorial: 100 Years of Legal Tradition, 1894-1994*. Centennial Editorial Review Board, Bar Association of Montgomery County, Maryland, 1994.

Montgomery County, *Our History and Government*

(<http://www.montgomerycountymd.gov/Content/culture/images/history.pdf>).

Montgomery County Judicial Center. *History of the Courthouse*

(http://www.montgomerycountymd.gov/Content/CircuitCourt/Court/Redbrick_Courthouse_History.asp).

Second Courthouse in Rockville

By 1835 the demand for a new courthouse resulted in a petition to the General Assembly asking for an authorization to levy up to \$10,000 for this purpose. This petition was granted, as was another the following year, which permitted the Levy Court to borrow up to the full sum allowed in advance of the collections of the levy. A new courthouse was constructed in 1840, just west of the current Red Brick Courthouse. No description of the building, its cost, the architect, or builder was recorded. However, that it had two one-story wings based on the only known picture of the structure. *Proceedings and Acts of the General Assembly* from 1872 revealed an authorization to Montgomery County “to raise the two wings of the Court House {of said county, in Rockville,} to the square of the main building, and to finish the same suitable to be occupied as rooms for the County Commissioners, the Grand Jury or such other purposes as the public interest may require” (Chapter 76). This courthouse was used from 1840 to 1891.

Third Courthouse in Rockville: Red Brick Courthouse

By the late 1800s, facing the demand for a new courthouse, the General Assembly granted permission to demolish the old courthouse and the building occupied by the county school commissioners in order to build a new fireproof courthouse which would also accommodate the school commissioners. For this purpose a bond issue of \$50,000 was authorized as well as an expenditure of any proceeds derived from the materials of the two old buildings. The contractor was to be the lowest bidder and he was to agree to have the building ready for occupancy by October 1, 1891. This third courthouse in Rockville is still standing and forms an annex to the fourth courthouse. Frank E. Davis was the architect and Thomas P. Johns the contractor. It is a three-story red brick building surmounted by a tower.

The courthouse changed with the times, in use as well as appearance. In 1899, steam heat replaced the inefficient Smead heating system. Gas lighting was converted to electricity in 1913. By the 1920s,



Red Brick Courthouse

Montgomery County experienced an increase in its population, the issuance of building permits, and new suburban development. Montgomery County's first police officers were installed in a ceremony at the Red Brick Courthouse, and Rockville's fire engine was parked at the Courthouse.

Following the opening of the fourth courthouse in Rockville (see below), the Red Brick Courthouse housed smaller offices and lesser courts. In the 1960s, funds were allocated to demolish the Red Brick courthouse, but citizens protested. When the Judicial Center opened in 1982, the old courthouse closed with an uncertain future. *Peerless Rockville*, a nonprofit historic preservation group, worked with Montgomery County to document the history of the courthouse. When the county began renovations in 1990, *Peerless* formed "Friends of the Red Brick Courthouse" and raised the funds necessary to restore the original courtroom to its 1891 appearance. Work was completed in 1995. The courthouse returned to use with a Circuit Court trial on January 18, 1996. On February 15, 1996, the courtroom was rededicated for its original use.

Fourth Courthouse in Rockville

In 1929 a bond issue was authorized for a new building and for the purchase of additional land next to the old courthouse in order to meet the growing demand of the county government, which had again outgrown its available space. With the help of supplementary funds authorized by the General Assembly, the fourth courthouse was built in 1931 at a cost exceeding \$500,000. It was designed by Delos H. Smith and Thomas R. Edwards of Washington and built by the J. J. McDevitt Company of Charlotte, North Carolina. It is constructed of Indiana limestone in the classic tradition with the use of columns, cornice and the regular repetition of piers or pilasters. This courthouse currently houses the Maryland District Court and the Circuit Court's Juvenile Department and its affiliated services staff.



Montgomery County Courthouse of 1931

Fifth Courthouse: The Judicial Center

Currently, the Montgomery County Circuit Court is located in the Montgomery County Judicial Center, which is located in the County Government complex in Rockville bounded by Jefferson Street to the south, Maryland Avenue to the



Montgomery County Judicial Center

west, and Monroe Street to the east. The Judicial Center building, completed in 1980, is comprised of nine stories above grade, and two levels of below grade parking. The Executive Office Building (EOB) is located southeast of the Judicial Center and is connected at the Terrace level and by the under-ground parking levels. The Judicial Center houses courtrooms on the upper four levels with Court Administration, Family Division Services, the Clerk of Court, Register of Wills, State's Attorney, and Sheriff occupying the Terrace level through the fifth floor. Due to the severe space limitations, however, the Court expanded out of the current building and currently conducts its daily operations in two additional buildings, including part of the District Court building and the Red Brick courthouse.

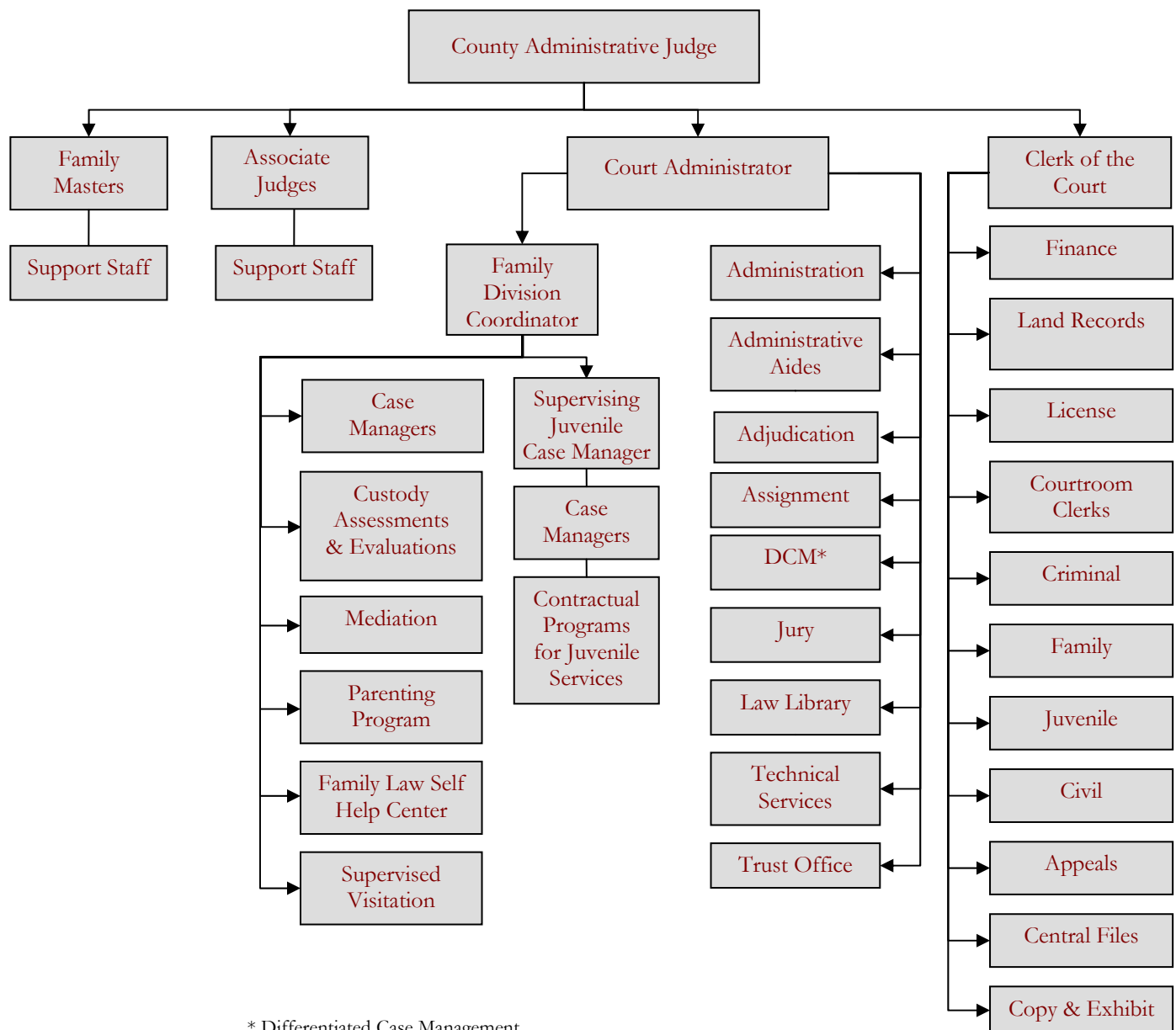
Future of the Circuit Court: Judicial Center Annex Project

Increased case filings spurred by significant population growth, mandated jurisdiction changes, advances in courtroom technology, as well as additional services provided to the Court's clients particularly in divorce cases are the primary reasons for increases in staff and the associated need for a new Judicial Center Annex.

The analysis of the future facility needs of Montgomery County Circuit Court has been ongoing for almost 15 years since late 1995. Between 1998 and 2003, at least 3 separate studies to examine the Court's current and future judicial needs and associated planning efforts were conducted, each resulting in an updated Facilities Master Plan for the Circuit Court. The second study performed in 2000 forecasts that the Court would need 31 judges by FY2020 and proposed 3 alternative solutions to meet those future needs. The County Council approved a preferred solution on May 13, 2002 as the best alternative for expanding facilities on the basis of cost, operational issues, ease of construction, and timeliness. The preferred option envisioned a two-phase Annex located to the south of the existing Judicial Center. In late 2002, the 2000 Facilities Master Plan was reexamined and updated by feedback from the Court and an in-depth analysis of court staffing needs, and conceptual designs were prepared for the design of the two-phase Annex project. In 2003, the third needs analysis study was conducted to project the Court's judicial and spatial needs through FY2025. Accordingly, the Master Plan was revised with new target dates for Phases I (2015) and II (2025) in January 2004. It was not until FY2009 that funding through the Capital Improvements Program (CIP) became available and was provided to the Circuit Court by the Montgomery County Council to begin design and construction on its new Judicial Center Annex. Currently, agreement has been reached on the preliminary spatial configuration of the proposed Annex consisting of 10 new courtrooms, seven of which will be finished by the end of the Annex construction in May 2014. The Circuit Court is very hopeful that this Annex construction will help to not only address current space constraints felt by Court personnel but also improve the quality of the services provided to its clients.

Montgomery County Circuit Court Structure

The functioning of the Montgomery County Circuit Court requires collaboration among many Departments and Offices at both the County and State levels of government. As displayed in the Chart below, communication among Judges, the Clerk of the Court, and Administration is critical to ensuring the efficient management of the Court.



The three main entities of the Circuit Court include Judges and Masters, the Clerk of the Court, and the Court Administrator. These entities work collaboratively to ensure that Montgomery County residents are served in a fair and just manner. For more information about these related entities of the Judicial Center complex please visit the Circuit Court's website and access the 'related sites' link.

Judges and Masters

As of January 2008, the Circuit Court has 21 judges, including one Administrative Judge, 10 family/juvenile judges, 5 civil judges, and 5 criminal/general-duty judges. According to a 2003 report that compared Montgomery County Circuit Court and 6 other demographically similar jurisdictions, Montgomery County has the second-fewest number of judges after Baltimore County, is third highest in the population size served per judge, and is the highest in the number of cases filed per judge.² The report further reveals that: 1) the average courtroom in Montgomery County is utilized approximately 64% of a given work week for official purposes, exceeding the federal court utilization rate of 26%; 2) the court achieves a high level of efficiency

compared to other Maryland circuit courts and courts across the nation, as evidenced by higher than average courtroom utilization rates, quick "filing to disposition" times, and a high case termination ratio; and 3) the number of case filings per 100,000 persons in Montgomery County exceeds the national average by 14%. Further, the number of cases per judge exceeds the national average by almost 300 cases per judge per year. The anticipated growth in hearings, filings, population, bench times and specialty dockets with which this court is faced on a daily basis impacts the number of judges the Court requires to adequately perform its functions in an honest, fair, and efficient manner.

Ann S. Harrington, Administrative Judge



Judge Harrington has been the Circuit Administrative Judge for the Sixth Judicial Circuit (Frederick & Montgomery Counties), and the Montgomery County Circuit Court Administrative Judge since April 21, 2003. Previously, she served as an Associate Judge for Montgomery County Circuit Court, and as an Associate Judge for the District Court of Maryland. Prior to becoming a Judge, she worked as Maryland's Assistant State's Attorney for 14 years. In addition to serving on several committees and receiving a multitude of awards, she has been recognized as one of Maryland's Top 100 Women in 2005 and 2007. Her recognition that the efficient processing of cases is of utmost importance, reaffirms her dedication and steadfast commitment to not only Montgomery Circuit Court but also the County's residents.

² Department of Public Works and Transportation, *Judicial Center Annex Needs Assessment*, October 2003.

In addition to the 21 full-time judges, the Circuit Court has six (6) Family Division Masters, including a Special Master responsible for ensuring that Family cases are processed in accordance with the Family Division's Differentiated Case Management (DCM) plan (for additional information on the Court's DCM plans see pages 18 and 19 of this report). Formerly known as Domestic Relations Masters, the Family Division Masters perform their duties as specified in Maryland Rule (Rule 9-208, Rules of Practice and Procedure, Annotated Code of Maryland). In addition to presiding over the hearings specified in the Rule, Family Division Masters provide written or oral findings and recommendations in those cases referred for hearing. Masters also conduct scheduling conference hearings and settlement/pre-trial conferences in accordance with the Family Division DCM plan. Furthermore, Masters attend meetings, participate in the analysis of existing programs, and the creation of future programs to improve the operation of the Family Division.

Montgomery County Circuit Court also has 11 retired judges who handle any court matter, both hearings and trials, upon the request of the Court's Assignment Office. The retired judges are an invaluable resource for the Court when there is a heavy court or "To Be Assigned" docket; an active judge is out on leave due to sickness, annual leaves, etc.; or there is a judicial vacancy. Some of the retired judges are assigned to handle the Disposition Hearing Docket, which is a type of docket created to help the State and the Defense resolve their case without a trial. Other retired judges handle post judgment family cases, which are cases that require a modification of child support, and/or visitation when filed by the parties of a case. The retired judges also perform mediations either upon the request of the court or attorneys. While the retired judges are based in the Montgomery County Circuit Court, they assist both Circuit and District Courts throughout the State of Maryland.

Clerk of the Court

The Office of the Clerk of the Circuit Court is a public institution and rich in Maryland tradition and history. The Clerk of Court is one of the oldest public offices in our state and dates back as far as 1658 to the first Maryland settlement in St. Mary's County. The duties of the judges at the state trial

Loretta Knight, Clerk of the Court

Loretta Knight was elected as the Clerk of Montgomery County Circuit Court in 2006. She took office on December 1, 2006, and brought with her 25 years of Circuit Court experience with Montgomery County. Under her leadership, the Court has initiated several new projects (see 'Highlighted Activities of the Clerk of the Court' in this report). As part of the Leadership Team for Montgomery County Circuit Court, Ms. Knight works closely with Administrative Judge Ann Harrington and Court Administrator Pamela Harris to create a collaborative working environment in the Court, ensuring that all parts of the Court function cohesively and productively to serve the needs of County residents.



court level were so compelling that the Clerk's Office was established as an independent keeper of the court records, as well as to maintain the integrity of the records in a safe and impartial manner.

The functions of the Clerk's Office center on serving the public. The clerk's responsibilities include supervising approximately 180 court employees in eight divisions (Criminal, Civil, Courtroom Clerks, Family, Juvenile, License, Land Records, and Finance), and collecting revenue of over \$40 million including revenue from the recording of land records, criminal bonds and fines, license fees, and filing fees in civil and other departments.

The Clerk of the Circuit Court administers the Oath of Office to elected officials, judges, county police officers, sheriff officers, special police officers, assistant and deputy state's attorneys, fire department members and gubernatorial appointees. Loretta Knight, the current Clerk of the Court, is responsible for administering a budget of approximately \$9.5 million, performing approximately 3,400 marriages a year, and administering over 600 statutory obligations established by Maryland law.

Court Administration

Pamela Q. Harris, Administrator



Pamela Q. Harris has held the Court Administrator position for the Circuit Court of Montgomery County, Maryland since 1989. She is a founding member of the Mid-Atlantic Association for Court Management (MAACM) and has held executive board positions in the National

Association of Court Management (NACM), an organization committed to the fair and effective administration of justice through improving court management. She also has worked extensively in the field of differentiated case management and court administration both in Maryland and Russia. Ms. Harris is committed to infusing evaluation-based practices into every aspect of Court Administration so that quality initiatives achieve intended results while meeting the needs of the Court's personnel and clientele.

The goal of Montgomery County Circuit Court Administration is to enhance the court's performance by providing various administrative and auxiliary services, developing policies, and serving as a clearinghouse for judicial and non-judicial operations of the Court. Similar to that of other organizations, with a budget of over \$12 million in FY2007, the Office of the Court Administration is in charge of nearly every aspect of the Court's functions such as management of personnel/human resource matters of its staff and judicial personnel, its technology and information systems, the Court's space and facilities,

inter-agency/department communication and cooperation, and public relations/public information. Other responsibilities of Court Administration include jury management and court case processing management.

To assist in these responsibilities, the Court Administrator is aided by staff consisting of approximately 100 individuals in the following departments and divisions: Administrative Office, Administrative Aides, Assignment Office, Family Division Services, Jury Commissioner, Law Library, Quality Control, Technical Services, and Trust Office. Certain departments and divisions perform functions particularly pertinent to the needs of Montgomery County residents. In particular, Family Division Services, the Law Library, and Technical Services all offer services meant to support the needs of residents of the Sixth Judicial Circuit.

Highlighted Activities of the Circuit Court

In addition to functioning as the judicial body of the County, Montgomery County Circuit Court maintains various operations to facilitate and support its core operations and to better serve Montgomery County residents. In this section, some of the activities performed by the Clerk of the Court and the Court Administration are highlighted. Funds from both Montgomery County and the State Judiciary are used to support these activities. The activities highlighted in this section are only a few key initiatives undertaken by the Court and supported by the Administrative Judge of the Court, the Clerk of the Court, and the Court Administrator. It is through the support and leadership of these Court officials as well as their staff that the following activities have been successfully implemented at the Circuit Court.

Statewide Civil Domestic Violence Database

The Maryland Network Against Domestic Violence and the Maryland Administrative Office of the Courts have received a grant to create a statewide civil domestic violence database. The database will track protective and peace orders and should be operational in 2008. Montgomery County Circuit Court, along with the other Circuit and District Courts in the state, has begun implementation of Phase I of the statewide domestic violence information system. The Family Department and the Office of Courtroom Clerks along with the Department of Technical Services are working together to fulfill the requirements of this new system. The goal of the new statewide information system is to increase the efficiency and speed of the Domestic Violence Orders being processed throughout the State of Maryland and eventually the country.

Staff Interpreter Pilot Program

In January 2008, Montgomery County Circuit Court was chosen as the site for the Maryland's Administrative Office of the Courts' (AOC) Staff Interpreter Pilot Program. Currently, the Court has five part-time Spanish interpreters on staff. The Clerk's Administrative Assistants work closely with the Director of the Interpreter Program at the AOC to monitor the progress of this program. The Staff Interpreter Pilot Program was initiated based on the finding that the County was spending close to a

million dollars a year on interpreter costs. The Court is already noticing a reduction in costs as a result of having Spanish interpreters on staff. The reduction in costs recovered is, in part, the result of savings incurred from eliminating expenses that would otherwise result from interpreters' traveling to and from the Court, and costs due to the cancellation of services.

Increased Efficiency in Foreclosure Case Processing

Foreclosure filings at the Court, which had been in decline between FY2000 to 2006, experienced a sudden and large increase in FY2007. The filings increased between FY2006 and FY2007 by 70% from 1,238 to 2,102, and then increased further by 82% to 3,819 between FY2007 and FY2008. To meet the demand in processing foreclosure cases, the Civil Department within the Circuit Court restructured its procedures in early 2008. Specifically, the Clerk's Office increased the number of civil clerks assigned to handle these particular filings. Second, the Clerk's Office cross-trained employees from other court departments so as to assist the Civil Department in the processing of foreclosure cases. Third, to conform with the new foreclosure laws, the Affidavit of Service upon the Defendant and the Affidavit of Default were added to the clerks' civil checklists, which are used to ensure efficient case processing. Finally, the Clerk's Office made available for distribution to the public a brochure developed by the Maryland State Bar Association to answer questions regarding foreclosure procedures (see text box for additional information). The Court found that through modifying their foreclosure processing procedures the Department improved its case processing efficiency. Even with massive increases in foreclosure filings, the cases are being handled in a timely manner as noted by compliments received in-person and through e-mail by the Court's patrons, and as evidenced by the results of the FY2008 caseload assessment where 98% of foreclosure cases closed within the 18-month time standard, meeting the State-defined performance goal.

Home Owners Preserving Equity (HOPE)

The Maryland State Bar Association has compiled publicly available information about home foreclosure. The public can access this information through brochures available at the Clerk's Office, the HOPE website (www.mdhope.org), or from the HOPE hotline (877-462-7555).

Improving Court Security

The Clerk of the Court has undertaken an initiative to increase security in its Departments to produce a more safe and secure Court environment. Some of the security efforts undertaken and currently underway include:

- Redesign of counter areas and installation of protective glass,

- Installation of security buttons in all offices,
- Construction of secure areas within designated court offices to preserve the integrity of the exhibits filed in a case, and
- Installation of a coded pass card system on office doors.

The Clerk and her staff are working closely with the Sheriff's Office, Court Administration, Montgomery County Maintenance Department, and the Administrative Office of the Courts to successfully enhance security.

Improving Case Processing Efficiency

In addition to efficiently handling foreclosure cases, the Clerk's Office has developed several new procedures and redesigned some of the existing ones to better serve clients. For example, in an effort to expedite the renewal of over 12,000 business licenses during the months of April and May, a self-addressed return envelope and a letter of instruction were added to the license renewal packet. In addition, the Court implemented a flexible staffing approach to assist the License Department to ensure timely renewal of business licenses by temporarily assigning additional staff from other departments.

Through working with the Courtroom Clerk Department, the Court streamlined the docketing function associated with courtroom work. Under the new system, the courtroom clerks enter case information directly into the Court's data system rather than forwarding the information to the Civil and Family Departments for data entry. Streamlining the data entry process has eliminated the duplication of work, minimized data errors, and enhanced the Court's efficient use of limited resources. This effort supports the Court's case management function and its mission to process cases in an honest, fair, and efficient manner.

The Clerk and her staff have also worked with the Family Department, the Court's Administrative Judge Harrington, and Judge Sundt to implement specific procedures to expedite the processing of guardianship cases. The procedural changes in guardianship cases came about because of challenges that attorneys were having with obtaining emergency rulings on temporary guardianship cases in a timely manner. To better accommodate and process guardianships, a specific desk is now assigned to these cases and orders are being faxed to attorneys to reduce the length of time it takes to obtain emergency relief. Modifications to the original guardianship procedures were developed following many meetings the Clerk had with the affected attorneys and involved judges.

These strategies implemented within the License, Family, and Courtroom Clerk Departments filled a gap or eliminated unnecessary duplications in Court operations. These activities exemplify how the Court is committed to making its operations more efficient for its patrons.

Document Management Imaging System

The Court's Department of Technical Services has undertaken several key activities specifically aimed to improve the Court's case processing efficiency. One such activity is the Document Management Imaging System, which utilizes state-of-the-art technology that will enable the Court to store documents as electronic photographs in an automated system, ultimately eliminating the need to store paper files. The process will include imaging, document management, and workflow functions. Court staff will have the ability to access the same document simultaneously and from different departments. Thus, the system is expected to improve the retrieval of the case information, as well as to address some of the Court's space limitations by reducing, if not eliminating, the need for paper file storage. Imaging will also greatly increase staff productivity and will ultimately improve public access to judicial system records. Document imaging will enhance the security of the case information by virtually eliminating the likelihood of dislocating case files, by enabling the Court to put in place disaster recovery of the information, and by preventing deterioration among case information.

Docket Display System

Another key activity led by the Department of Technical Services is the enhanced Docket Display System, which displays throughout the courthouse all the civil, criminal, family and juvenile cases that are to be heard by the Court for that particular day. The Docket Display System incorporates large LCD monitors located on all courtroom lobby areas as well as the public lobby area on the first floor. The information presented is real-time and will provide case number, case name, courtroom number and floor information as well as the scheduled time of the event. Furthermore, the screens only display information for those cases to be heard in the courtrooms on that floor, which eliminates possible confusion that may result by being at the wrong place at the right time.

Case File Tracking System

The Department of Technical Services is also completing its implementation of a new Case File Tracking System. This system, similar to a Global Positioning System (GPS) used in automobiles, will enable court personnel to track the exact location of case files throughout the courthouse through the use of a small electronic device attached to the jacket of a case file. This system will virtually eliminate the possibility of

“missing” files and reduce the time spent searching for files throughout the courthouse. The system will also include increased security resulting in an alarm to sound if a file exits the building without proper authorization.

Differentiated Case Management (DCM) Plans

The basic philosophy of Montgomery County Circuit Court’s Differentiated Case Management (DCM) is twofold: increased efficiency in case processing and reduced demand for judicial intervention at every phase of litigation. DCM achieves these goals through the early differentiation of cases entering the justice system in terms of the nature and extent of judicial/justice system resources required. Each case is assigned to the appropriate case track to allow for the performance of pre-trial tasks and the appropriate level of court resources to be afforded while minimizing processing delays. Established mechanisms avoid multiple court appearances and assure the timely provision of resources for the expeditious processing and resolution of cases on each track. Descriptions and copies of Montgomery County Circuit Court’s DCM Plans are available electronically on the Court’s website at <http://www.montgomerycountymd.gov/content/circuitcourt/attorneys/dcm.asp>.

Civil Cases

In cooperation with the Montgomery County Bar Association, six case tracks have been established for the Civil DCM plan. The tracks support a variety of civil cases ranging from those with no legal issues, or legal issues not requiring formal discovery (track 0) to business and technology cases (tracks 5 and 6) that require specialized treatment because the technological issues contained therein are of such a complex or novel nature. Similar to the other DCM plans, Civil DCM has a manual that provides direction to those engaged in civil litigation. The topics covered in the Civil DCM plan include but are not limited to: filing a motion, requesting a postponement, amending a complaint or filing a third party complaint, failing to appear, bifurcating or consolidating cases, and requesting Alternative Dispute Resolution (ADR).

Criminal Cases

The overall goal of the Criminal DCM plan is to develop a system in which Court supervision is implemented at an early stage in order to evaluate each criminal case at its inception. The objectives of the plan include:

- 1) Realistic case assignment and scheduling of events, alleviating the need for excessive continuances;
- 2) Expedited case disposition for incarcerated offenders;
- 3) Judicial supervision consistent with the complexity of each case; and
- 4) Efficient use of judicial system resources.

Under the Criminal DCM plan, cases are assigned to one of five tracks according to the Court's standards and guidelines regarding the disposition and complexity of the case. The five case tracks range from Information (track 0) to Complex (track 4).

Family Cases

The DCM plan for Family Division Services represents the shared efforts of numerous dedicated professionals who have pooled their experience and vision to assist the Court in implementing a more efficient case management system. Several committees whose membership is drawn from the Judges and Masters of Montgomery County Circuit Court, members of the Bar Association, government support agency personnel, mental health professionals and other key Court personnel have been instrumental in developing this plan. Family cases are assigned to a specific case track depending on the issues. There are five tracks ranging from Uncontested Fast Track (track 0) cases to cases involving complex-extensive property holdings, complicated business valuations, pensions, significant assets, alimony, custody, visitation, and divorce (track 4).

Juvenile Cases

The Juvenile DCM plan consists of eleven case tracks ranging from Peace Orders (track 0) to Adoption (track 10). The plan was developed by integrating recommendations made at the time when juvenile causes were transitioning from the District Court to the Circuit Court. The plan contains statutory timeframes and support from dedicated professionals who are committed to providing a fair and efficient forum to resolve legal and social implications of families and children in conflict.

Highlighted Services of the Circuit Court

Family Division Services

As part of a comprehensive system for managing family and juvenile cases at the Circuit Court for Montgomery County, Family Division Services provides a wide range of out-of-court services for the parties involved in court cases. Funded by a grant from the Department of Family Administration, Maryland State Administrative Office of the Courts, Family Division Services supports 33 full- and part-time staff (not including volunteers and staff supported by contractual service providers). During Fiscal Year 2008, over 10,000 family and juvenile actions and causes (10,501: 8,407 family law actions and 2,094 juvenile causes as defined by Maryland Rule 16-204) were filed in the Court. The number of filings has been fairly constant since Fiscal Year 2005. For detailed information about the services offered by Family Division Services, please access the Circuit Court's Family Division Services website



(<http://www.montgomerycountymd.gov/Content/CircuitCourt/Court/FamilyDivision/FamilyDivision.asp>).



The mission of the Family Division Services is to protect and serve the best interests of children and families residing in the local community. To this end, the Division seeks to:

- Provide opportunities for litigants to become aware of their rights and responsibilities and access information to assist them with judicial procedures.
- Develop appropriate support services to families so

that the court process reduces family conflict and introduces parties to problem-solving techniques to help reduce future litigation.

- Provide continuity of case management by assigning cases to a Case Manager, Master,³ and/or a Judge.
- Manage progress of family cases according to the Family Differentiated Case Management (DCM) plan, which provides standards for appropriate track assignment, the scheduling of upcoming court events, and ensuring the case is progressing through the Court in an efficient manner.
- Implement measures to attract and sustain the most highly qualified Masters and Judges to serve in the Family Division.

Custody and Access Mediation Program

The Custody and Access Mediation Program offers parents involved in separation, divorce and child custody cases an opportunity to discuss and resolve issues involving their children. Its mission is to resolve issues as early as possible so as to avoid the need for trial.



By using the mediation process to help resolve child custody and access disputes, parents begin to work together to create their own child custody and access plan, known as a Parenting Plan, on behalf of their child or children. Through this process, parents start to manage disagreements through discussion while

maintaining a positive and emotionally responsible relationship with each other.

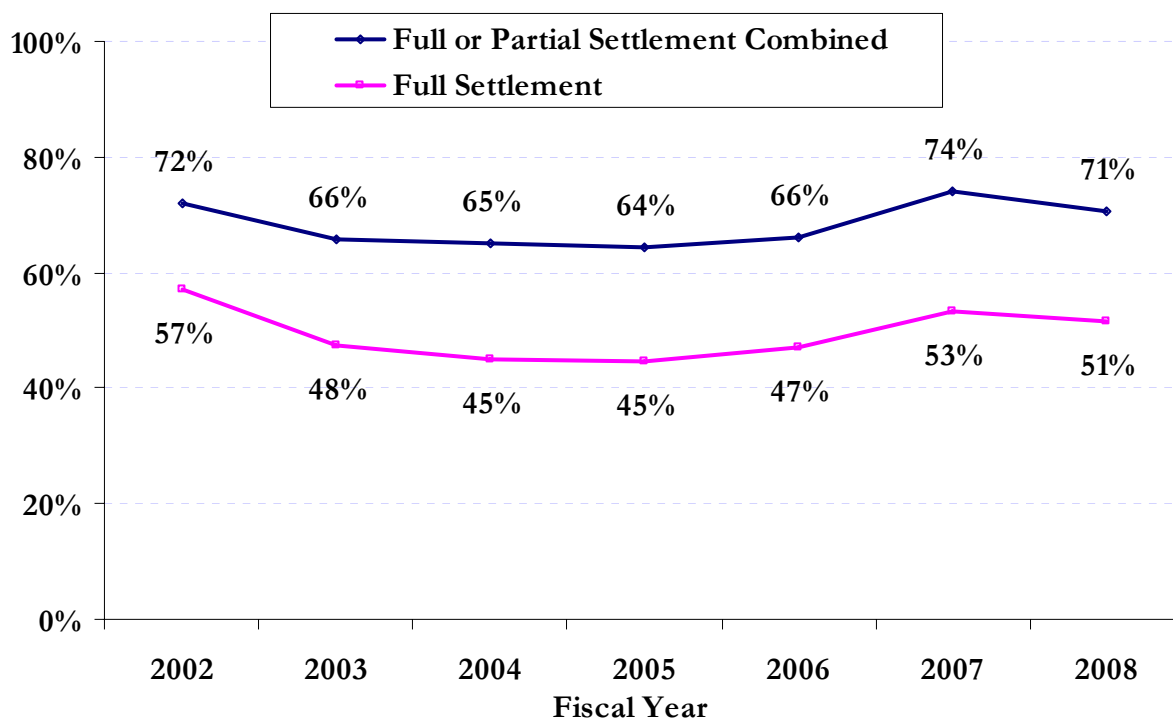
The mediation program consists of one full time and three part-time mediators, one of whom is bilingual (English and Spanish). In addition, the program has a mediator who is fluent in both Spanish and French. The mediators focus on parenting issues, including decision-making related to legal custody and the amount of time the child(ren) are to spend with each parent. Mediators also help parties address child support issues in post-judgment matters. Occasionally, the parties reach full agreement on the issues during a single mediation session, but most cases require two mediation sessions. The parties may also

³ A Master is an individual appointed by the Judges of the bench to hear family matters, make a report and recommendations based on the testimony heard, and provide an analysis of the testimony.

jointly request a third session if they believe it will help them come to a full resolution of all their identified issues.

The mediators are committed to equipping parties with effective conflict resolution strategies, which are critical to reducing post judgment activity. Custody and child access mediation is ordered for a single-session in post judgment matters and is focused on the particular issues responsible for bringing the party back to the court. Post judgment matters have shown to be a challenge for the mediation process, particularly when child support is at issue. As shown on Figure 7, in FY2008, 71% of all original custody and child access cases that went to mediation resulted in a full or partial settlement of those issues discussed, which is slightly lower than what was achieved in FY2007 (74%). Between FY2002 and 2008, 60% to 70% of custody and access cases that went to mediation resulted in a partial and full settlement; in particular, 45 to 57% of such cases resulted in full settlement. However, among post judgment custody and child access cases only 48% reached a full or partial settlement in FY2008 (54% in FY2007).

Figure 7. Percentage of Custody/Access Cases Mediated that Reached Full and Full or Partial Settlement, FY2002-FY2008



As part of the mediation process, Family Division Services is interested in not only understanding the outcomes of the mediation sessions but also how the parental relationship has been enhanced as a result of the process. It has been found that no matter what the outcome of the mediation with respect to the

issues being discussed, parents usually gain a better understanding of the other parent's point of view and appreciate being able to express their views in a non-threatening environment.

Additional comments expressed by parents involved in the Court's Custody and Access Mediation Program include:

"The mediator helped me to see other parent's point of view and helped me to question my own motives for participation in a custody battle."

"The mediation was helpful because it opened lines of communications, offered alternative ideas and helped the family express themselves."

"It helped us to focus on the children instead of focusing on how we feel about the other parent."

"It gave me a safe venue to say what I wanted to say. It kept the situation businesslike and focused on the kids' needs not our own."

"Although mediation has not as yet been successful, I believe the discussions with the mediator will ultimately result in a settlement."

"It was the best conversation I have had with the other parent in 3 years."

Key goals of the mediation program for the coming years include:

- **Mediation Observation Program:** Planning is underway to offer on a pilot basis, a limited observation opportunity to mediators who are seeking a case observation experience. Case observation is required under the Court's Maryland Rule 17 in order for individuals to become qualified for court referred mediation. This program involves creating a protocol and waiver/consent forms to assure that 1) clients are willing to be observed and 2) observers will hold the content of the mediation confidential.
- **Mediation Exit Survey:** The mediation office is exploring possible methods to be used to analyze data collected from a Mediation Exit Survey, which was originally created by the Maryland Program for Mediator Excellence (MPME). It is the hope that the Mediation Exit Survey can be used on a continual basis as a staff skill development tool.

Developing the program...

In 1999, Family Division staff developed Montgomery County Circuit Court's co-parenting skills enhancement program. The Court patterned the program after the P.E.A.C.E (Parent Education And Custody Effectiveness) Program and modified its content slightly to meet the needs of Montgomery County residents. The program consists of two three-hour consecutive sessions. Currently, three two-session presentations (two after work hours and one during the day) are offered per month, free of charge for the parents who received a Court order to participate in the program.

Co-Parenting Skills Enhancement Program

Family Division Services is committed to helping families experiencing separation and divorce develop positive, working relationships for the benefit of their children. In order to help separating and divorcing parents proceed through this difficult process, the Court has developed an in-house co-parenting skills enhancement program. The purpose of the program is to enhance the skills necessary for rearing a child between separate households and diminish anxiety about the possibility of being graded or tested as a basis for obtaining custody or access.

Court evaluators present the co-parenting skills enhancement sessions to interested parents. The evaluators at the Circuit Court consist of a highly professional staff with all the requisite credentials to offer a comprehensive co-parenting program. The program provides parents with an opportunity to learn about problems that their children may experience as a result of divorce/separation and associated parental conflicts. The program also offers parents an opportunity to learn the necessary skills to keep their children out of family conflicts and helps them acquire new parental skills necessary for rearing children between separate households. With these skills in hand, parents can help their children make a healthy adjustment to a new situation where their parents no longer live together. Trying to establish a new way of life is a difficult task for any parent going through a divorce or separation, particularly when confronting parental conflicts. The co-parenting enhancement skills program helps create effective co-parenting by:

- ***Providing*** parents with helpful information about the court system, their own and their children's responses to divorce/separation, and how to alleviate resulting problems with the help of community resources.
- ***Assisting*** parents to develop skills promoting healthy adjustment by their children.
- ***Reminding*** parents that their children's needs are primary.
- ***Encouraging*** parents to develop a workable post-divorce or -separation parenting plan rather than having the court impose one on them.
- ***Noting*** the impact that divorce has on children of different ages.
- ***Teaching*** parents new communication skills.
- ***Suggesting*** new methods for conflict resolution.

Family Division Services has taken steps to make the program available to Spanish-speaking litigants. The need for greater access to co-parenting sessions by litigants whose primary language is not English was

addressed in the first quarter of Fiscal Year 2004. Spanish-speaking litigants received a Spanish translation of the program manual. However, due to the limited number of Spanish sessions available, participants did not always receive the benefit of the sessions prior to the Court-ordered Custody and Access Mediation Program.

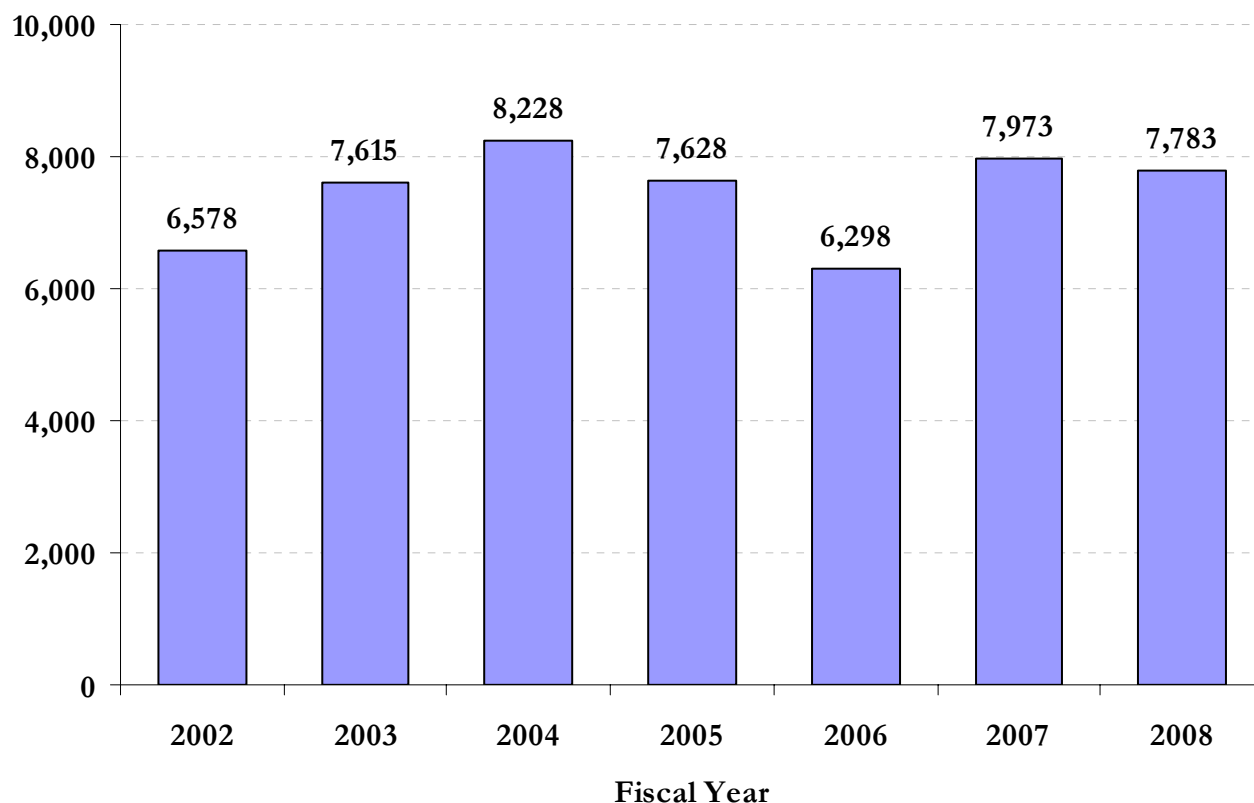
Beginning in late October 2003, all co-parenting skills enhancement training sessions were made available to Spanish-speaking participants. Using a radio transmitter and headphones, an interpreter provides near simultaneous interpretation of the sessions with minimal disruption. In addition to providing translation to Spanish-speaking litigants, translation is provided to nine of the most common languages spoken by language-minorities in Montgomery County. For these litigants, co-parenting sessions are scheduled on an individual basis, as are other languages for which a qualified translator can be found. Access to the co-parenting skills enhancement program has increased significantly for Spanish-speaking and other language-minority residents of Montgomery County through the availability of translation services.

Court evaluators undertake several very important responsibilities within Family Division Services and the Montgomery County Circuit Court, more generally.

Family Law Self Help Center

The Family Law Self Help Center located in Room 224 of the Judicial Center is a FREE walk-in clinic that provides either **general legal information or limited legal advice** in family law disputes involving divorce, custody, visitation, and child support. It has been a critical resource for self-represented litigants involved in family cases in the Circuit Court since 1993. The Center became a component of Family Division Services during its first year of existence. Its full-time staff consists of three attorneys and a legal assistant plus attorney-volunteers. Despite its small size, the Center has assisted about 7,800 self-represented litigants in FY2008, a slight decline from FY2007 when close to 8,000 people were seen at the Center.

Figure 8. Family Law Self Help Center: Number of Clients Served, FY2002-FY2008



The Self Help Center is designed to assist individuals representing themselves in SIMPLE family matters only.⁴ As part of its service, attorneys and paralegals can provide assistance related to: identifying the family law forms most appropriate for the case, completing the necessary legal forms, navigating through the court system, and understanding the laws related to the litigant's case.

If the case is too complex or otherwise inappropriate for the project such as cases involving domestic violence, emergency petitions, guardianships, or complex property support issues, a staff attorney will attempt to refer the client to an appropriate agency or program. Individuals with contested or complex cases should retain their own attorneys.

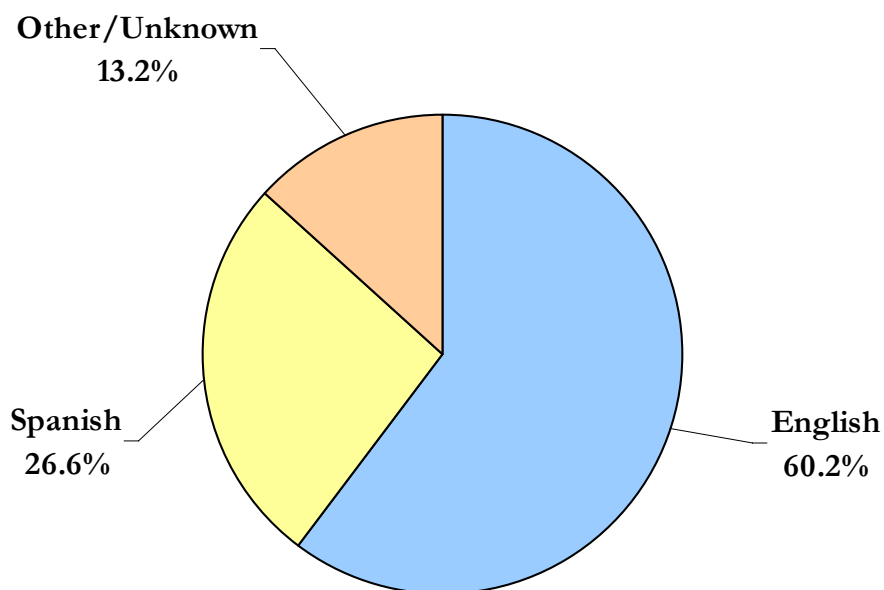
The Center has a staff member who is fluent in Spanish, which is critical, given that the demand to serve individuals whose first language is Spanish continues to increase. As shown on Figure 9, in FY 2008, 27%

⁴ Please note that assistance provided through the Family Law Self Help Center is dependent on a client's income eligibility determined based on established state-wide income guidelines and on the complexity of the case. In FY2008 56% of individuals seeking service from the Center had annual income levels of less than \$30,000, compared to 58% in FY2007 and 64% in FY2006.

(26.6%) of individuals seeking assistance from the Center spoke Spanish as their primary language, compared to 25% in FY2007 and 23% in FY2006.

To best serve the needs of the Spanish-speaking population in Montgomery County, in FY2006 the Center started providing a Spanish interpreter one day a week in the afternoon to help alleviate long waits and increase accessibility of the project to clients. The ability of Center staff to accommodate the growing Spanish clientele highlights the depth of the services afforded to self-represented litigants by the Circuit Court.

Figure 9. Family Law Self Help Center: Primary Language of Clients Served, FY2008



In addition to the Family Law Self Help Center, self-represented litigants are supported in other ways by the Maryland Judiciary including through the availability of State-approved domestic relations forms according to subject matter. At the Circuit Court, sample forms are displayed (according to subject matter) for review in the reception area of the Family Law Self Help Center. The blank forms are also available from the Family Law Department and on-line from the Maryland Judiciary's website (<http://www.courts.state.md.us/family/forms/index.html>). Easy access to these forms and the displaying of domestic relations information by subject matter has assisted litigants when searching for the materials needed for their case. Further, Center staff maintains a collaborative, supportive relationship with staff attorneys from the Bar Foundation Pro Bono Program and Legal Aid Bureau. Attorneys who may wish to volunteer their services at the Family Law Self Help Center are encouraged to stop by anytime and provide their services. This more flexible approach has been instituted so that attorneys are able to volunteer in

accordance with their schedules. The key goals for the coming fiscal year are to continue to provide timely, efficient and appropriate legal services to Montgomery County's neediest residents.

Juvenile Division

The Juvenile Division is a part of Family Division Services and is responsible for oversight of Delinquency petitions, Children In Need of Assistance (CINA) petitions, Termination of Parental Rights (TPR) petitions, Voluntary Placement petitions, and Petitions for Peace Orders. The Department's mission is two-fold:

- 1) Protect and serve the best interest of the children who are a part of the juvenile court through continuity of case management, and
- 2) Provide mediation services to families, which ultimately give parents some control in the outcome of their cases by giving them a forum in which to reach collaborative agreements with the other participants.

In March 2002, the Juvenile Court was transferred from the District Court to the Circuit Court. A critical component of that transfer was the development of the Juvenile Differentiated Case Management (DCM) plan, which brought the juvenile caseload into compliance with statutory deadlines while maintaining the quality of the outcomes for the parties involved. The success of the Juvenile DCM plan is closely tied to the work of the three juvenile case managers and their supervising case manager. The juvenile case managers are responsible for preparing pre-trial dockets, scheduling expedited hearings when a child's situation requires adjustment on an urgent basis, screening CINA cases in advance of Court-ordered mediation, as well as scheduling mediators for CINA mediation sessions and for permanency mediation post-disposition.

Juvenile Division matters are governed by strict statutory timeframes and require a high degree of judicial oversight by the Court. The majority of the Court's workload is comprised of Delinquency petitions and CINA petitions. Delinquency cases involve children who have committed a "delinquent act," which is an act that would be a crime if committed by an adult. CINA cases involve children and their families who require court intervention because the child has either been abused or neglected, has a developmental disability or a mental disorder, and the child's parents, guardian or custodian are unable or unwilling to give the child proper care and attention. For statistics related to Juvenile cases, please see the section of the report focused on Court Workload Statistics on page 50.

The Juvenile Division has undertaken a number of initiatives over the past several years to ensure that families are treated in a fair and efficient manner. Key Juvenile Division initiatives include:

- Compressing Dockets: In order to increase the workload of the juvenile judges, a decision was made at the end of FY2007 to compress the juvenile dockets from four to three. The resulting docket structure strikes a balance between providing an appropriate caseload for juvenile judges, adding needed judicial resources in the Family rotation, and keeping juvenile dockets available to only juvenile matters. Collaboration between Administration, Assignment, and Data Processing were critical to ensure that the restructuring of the court dockets occurs with minimal disruption. The Juvenile Division worked closely with these Court offices to notify the bar and other participants about the modification fielding questions and concerns (when necessary) regarding changes to the docket structure.
- Termination of Parental Rights Cases: Based on analyses of the Court's case processing performance for FY2007, the Juvenile Division began examining more closely the processing of TPR cases. Several new measures have been implemented to assist the Court in monitoring these cases.
 - First, Scheduling Hearings now occur on the record instead of in the judge's chambers. Also, instead of waiting for all objection periods to conclude (for example, in cases where a parent is served via publication), Scheduling Hearings are set prior to these drop dates. Setting Scheduling Hearings earlier in the life of the case is a proactive measure by the Court in order to manage cases within statutory timeframes.
 - Second, Service/Status Hearings now occur bi-weekly on Fridays at 8:30 a.m. on the Duty docket.
 - Third, beginning in January 2008, the Supervising Juvenile Case Manager communicates weekly with the County Attorney's Office about the status of all open TPR cases. Special attention is paid to cases that have service issues.
 - Lastly, Mediation Status Hearings have been scheduled when a case is set for Permanency Planning/TPR Mediation. The setting of Mediation Status Hearings provides an opportunity for the parties to come before the court without filing a motion. This saves time and resources for attorneys involved in the case. If the parties reach an agreement during mediation, the status hearing enables them to appear before the Court and place their agreement on the record.

All of these initiatives that have been established in order to better monitor TPR cases have been discussed with representatives of the CINA bar during the monthly CINA Ad Hoc meetings. In

fact, the setting of Service/Status hearings and Mediation Status Hearings were the direct result of discussions among the CINA stakeholders.

- Alternative to Detention (ATD) Wraparound with Community Supervision: The ATD Wraparound with Community Supervision is an alternative to secure detention for respondents in Montgomery County. Diverting children away from traditional incarceration is a more efficient outcome for the detention system and is fairer to the respondent if they can be maintained at home. This program also eases the burden on support agencies. Implementation of the ATD Wraparound with Community Supervision Program occurred in collaboration with the Montgomery County Collaboration Council for Children, Youth and Families, Maryland Choices, the Department of Juvenile Services, the State's Attorney's Office, the Office of the Public Defender, the Department of Health and Human Services, and the County Council. The Court created a form to be used by the Judges when a respondent appears to meet the criteria for the ATD program and participation is requested.

Key goals for the Juvenile Division in the coming fiscal years include:

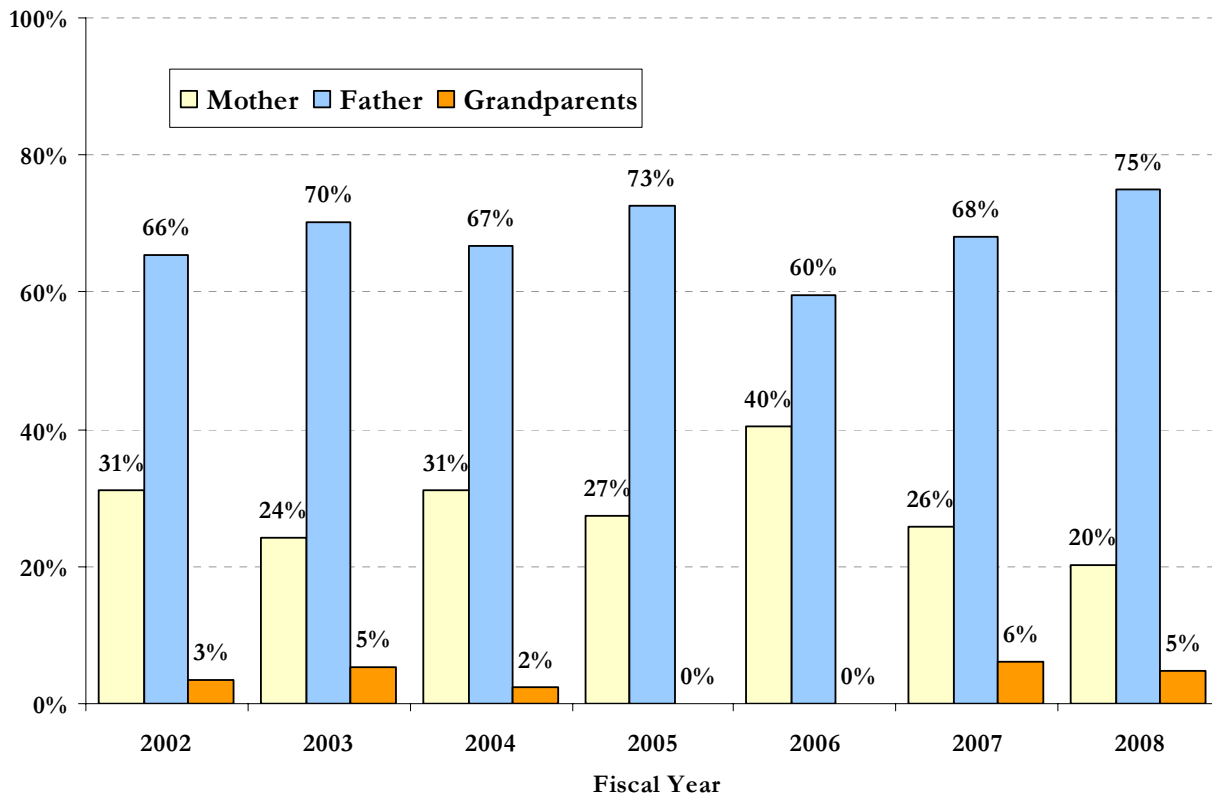
- Moving to mandatory as opposed to voluntary mediation in TPR cases. The Division believes that mandatory mediation will help resolve a greater number of TPR cases without the necessity of a trial.
- Improving the efficiency of Juvenile cases. The Division is striving to close all CINA and TPR cases within their respective time standards.
- Revising and updating the Juvenile Differentiated Case Management (DCM) Manual. It is important for the Juvenile DCM Manual to be updated in order for it to be a useful tool and handbook in the courtroom.

Supervised Visitation

Family Division Services first engaged in the presentation of a supervised visitation program in spring 2001. The focus of this program continues to be the development of a supervised visitation plan to provide a structured setting for visitation between children and their parents. This program is critical for families served by the Family Services Division for whom, drug, alcohol, and physical abuse; mental illness; reunification of parent and child; or concerns about absconding may be at issue. The program is often at capacity and maintains a waiting list. Up to twelve families participate in a visitation session every other week, with sessions scheduled each week at a facility with, among other security measures, a security guard.

As displayed in Figure 10, fathers appear to utilize the visitation program most often compared to grandparents and mothers.

Figure 10. Parties Utilizing Supervised Visitation, FY2002-FY2008



Supervised visitation is not a long-term solution for families as there are inherent limitations to the structure of such a program. For instance, supervised visitation results in relatively short visits lasting only one hour and fifteen minutes, and visitations occur inside the Court limiting the nature of the activities that can be undertaken between parent and child. In Fiscal Year 2003, to help families move away from supervised visitation, Family Division staff in collaboration with Family Trauma Services, Inc. began meeting with Masters and Judges to develop a “step down plan” for families receiving supervised visitation services who demonstrate their ability to move to a more open visitation format.

The step down plan is for reunification cases after three months in the program. All other cases are not considered for step down until 6 months in supervised visitation has been completed or approximately 12 visits. Each phase of the step down plan consists of at least two visits. The supervising monitor present during the visits determines when it’s appropriate for the parties to advance to the next phase. Observation reports are provided to the Court but diminish in content as the case participants move from phase to phase. The Court’s goal in developing the step down plan is to facilitate the visitation process

and reduce the dependency on direct supervised visits while at the same time not compromising the child's safety or emotional well-being.

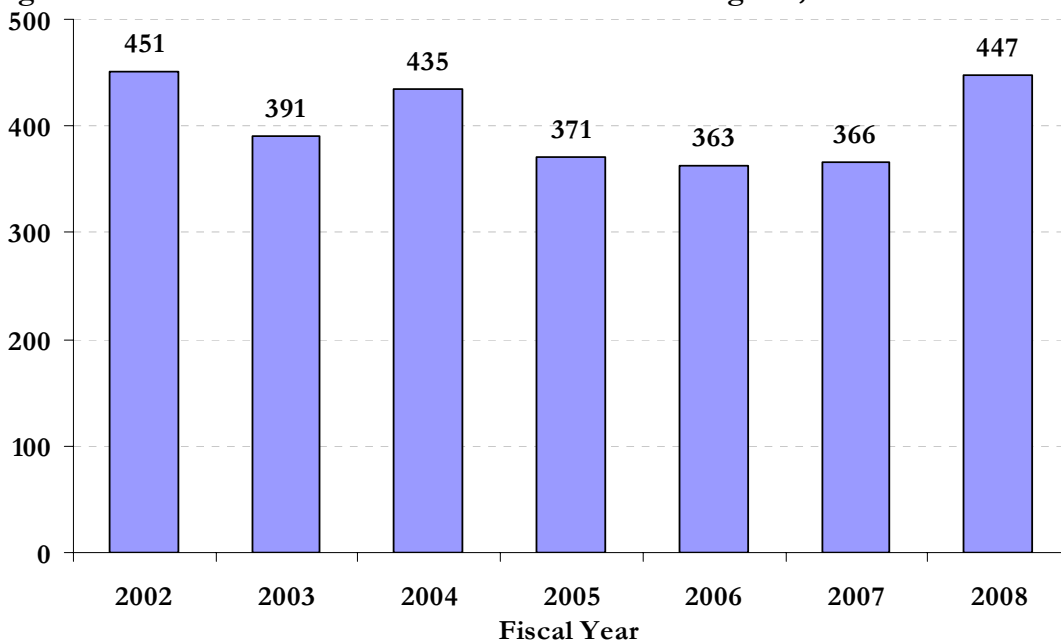
Family Division Services also refers cases to two additional community resources as an alternative to the Supervised Visitation Program. These community resources provide low-cost visitation services to parties and supervision is conducted by a panel of laypersons interested in helping estranged families meet for the mutual benefit of spending time with their children.

Facilitator Program

The Facilitator Program serves litigants before the Court's Family Division and continues to be staffed by experienced practicing attorneys who make themselves available to assist in the settlement of cases at an early stage of the proceedings. By resolving or narrowing some issues, the facilitators help to conserve the judicial manpower hours expended for those cases. Potential cases suitable for facilitation are identified by the Family Division Masters at the scheduling conference and referred to the facilitator, who is available in the courthouse for immediate assistance.

The Facilitator Program is a relatively inexpensive service provided by experienced members of the Family Bar and has been proven highly successful. Figure 11 presents the number of cases referred to the program between FY2002 and FY2008, which declined from 435 to 366 between FY2004 and FY2007. However, it bounced to 447, equivalent to the FY2002-2004 level. Of the 447 cases referred in FY2008, 274 cases (61%) reached a settlement of the issues, over 70% of which reached a full settlement.

Figure 11. Number of Cases Referred to Facilitator Program, FY2002-FY2008

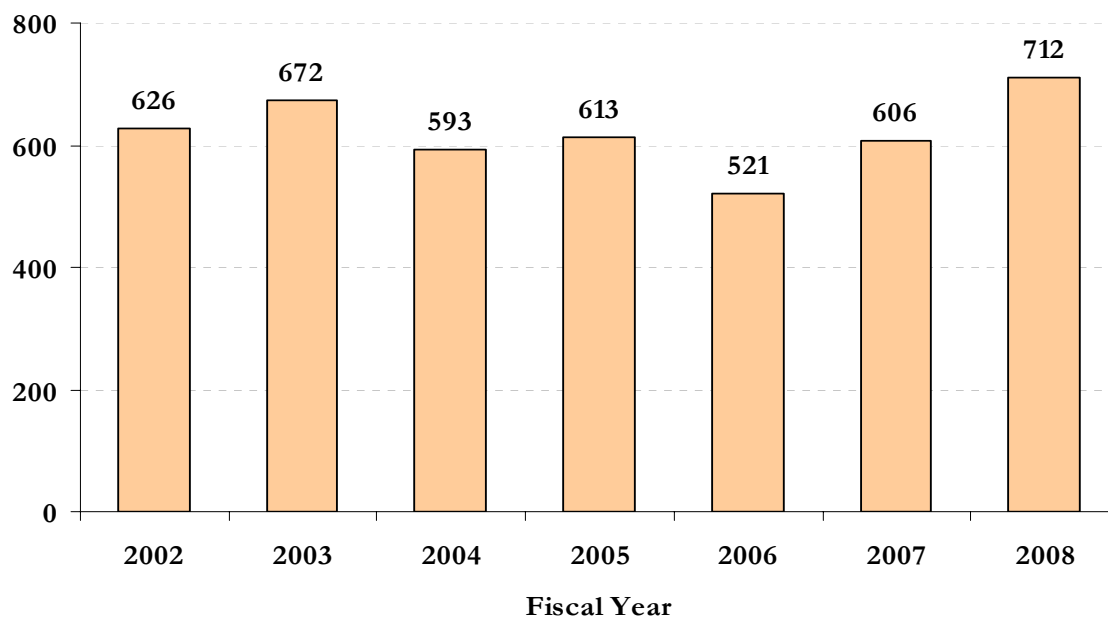


Domestic Violence Assistance

In October 1999, Family Division Services created a Domestic Violence Assistance (DVA) program to provide organized, consistent services to families in-need. The mission of the program is to address abuse issues and victim safety for spouses and intimate partners of the offender. Grant funding from the Administrative Office of the Courts supports staff positions for the program, which currently consists of two full time attorneys, one of whom is a Supervising Attorney. Currently, all staff are provided through the House of Ruth.⁵ As Figure 12 indicates, domestic violence filings in FY2008 represent a continuation in the upward trend in filings since FY2006. As such, the importance of the DVA program is expected to increase over time.

The DVA staff conducts a needs assessment and an in-depth intake interview, and based on the information obtained, will recommend a variety of services including but not limited to safety planning, advocacy, and case preparation. If deemed necessary, the program's counsel will represent victims of domestic violence at Protective Order, contempt and modification hearings in the Circuit Court, as well as in a limited number of cases in the District Court. During FY2008 the House of Ruth staff served 1,312 clients, and appeared in court 370 times on behalf of 281 clients for a variety of reasons including cases requiring protective orders, appeals, peace orders, *ex parte* hearing accompaniments, modifications, civil contempt and criminal accompaniments.

Figure 12. Number of Domestic Violence Cases Filed, FY2002-FY2008



⁵ Additional information on the organization is available from <http://www.houseofruth.org/>.

Montgomery County Circuit Court Drug Court Programs

Montgomery County Circuit Court offers two drug court programs, Adult Drug Court and Juvenile Drug Court. Both are comprehensive treatment programs for adult and youth offenders who have serious drug/alcohol-dependency problems. The goals of the programs are to assist program participants to address the root cause of the problem – drug/alcohol addiction – and to end the cycle of addiction that leads to crime.

Adult Drug Court Program

The Montgomery County Circuit Court Adult Drug Court Program is a voluntary program that offers offenders with drug/alcohol-dependency problems a new opportunity to break the cycle of drug/alcohol addiction and crime through intensive treatment and monitoring as well as direct attention from the Court.

The mission of the Adult Drug Court Program is to eliminate substance abuse, crime, and their consequence, by forging continuing partnerships with the court, health treatment providers, concerned community organizations and law enforcement. Leveraging its partnerships and authority, the Court will direct substance-abusing offenders into evaluation and treatment to achieve personal responsibility and productive citizenship.

The program consists of four phases and can extend anywhere from 12 –18 months depending on a participant's progress. Over the course of the Program, a participant will be involved in individual and group therapy, regular meetings with a Case Manager, random drug testing, case supervision and monitoring, and participation in regular sessions of the Drug Court.

Since its inception in December 2007, the Program has graduated 33 program participants. Currently, 55 individuals are enrolled. The program has obtained funding to hire two case managers to double its population to 100 participants, and to closely track program participants' progress.

Additional information about the Adult Drug Court Program is available from the Montgomery County Circuit Court's Drug Court Program website

(<http://www.montgomerycountymd.gov/content/circuitcourt/Court/drugcourt/index.asp>).

Juvenile Drug Court Program

The Montgomery County Circuit Court Juvenile Drug Court Program is a voluntary program that assists juvenile offenders aged 14 to 17 years old with substance-dependency problems to build skills and strength

to recover from addiction and stay clean through intensive treatment and monitoring as well as direct attention from the Court.

The mission of the Juvenile Drug Court is to reduce substance abuse and delinquent conduct among youthful offenders by providing them and their families with intensive, comprehensive and individualized services. By helping participants reach their full potential as valued community members, the Court can help build a stronger, safer community.

The program consists of four phases and can extend anywhere from 9 – 18 months depending on a participant's progress. Over the course of the program, a participant will be involved in individual and group therapy, regular meetings with a Case Manager, random drug testing, case supervision and monitoring, and participation in regular sessions of the Drug Court. Since its inception in December 2004, the Program has graduated 10 program participants.

Additional information about the Juvenile Drug Court Program is available from the Montgomery County Circuit Court's Drug Court Program website

(<http://www.montgomerycountymd.gov/content/circuitcourt/Court/drugcourt/index.asp>).

Montgomery County Circuit Court is committed to supporting the talents of Montgomery County residents, and those individuals involved in its programs. For instance, murals created by youth participating in the Montgomery County Circuit Court Juvenile Drug Court Program have been displayed during graduation ceremonies. The youth painted a mural titled "Fire to Desire," in which they share their journey to freedom. The panel of the mural (pictured below on the left) signifies the struggles that the youth face including "their pasts of using drugs and trying to stay sober. Between staying at detention centers, remaining on house arrest, and attending rehabilitation centers." The panel pictured below on the right highlights the path to a new life. In order to make a difference in their lives, the youth state that they have to "make a conscious decision to change." The youth are now utilizing the support of their family, friends, and the staff of Journeys and Youth Drug Court to achieve success.



Department of Technical Services

One of the key functions of the Court is to ensure that all proceedings are properly recorded as part of the official record. These records must also be available to the public. At Montgomery County Circuit Court, the Technical Services Department carries out this and other important tasks. The Department is also responsible for maintaining the integrity of the Court's telephone, internet, and intranet communications and all electronic equipment used by close to 400 Court personnel. The Department supports 10 full-time administrative and IT staff who are responsible for addressing all the technical services and needs of the Court.



The mission of the Technical Services Department is to provide the Circuit Court and the public with the best information technology and services available so the Court can efficiently and effectively perform its business practices at an unprecedented level of quality at the lowest possible cost. The Department is committed to providing superior customer support to our user community through the implementation and integration of technology in ways that support and address the Court's business processes. The main responsibilities of the Department include: 1) Public Services, 2) Courthouse Services, and 3) Court Recordings.

To support the needs of the public, the Department provides transcripts/audio of courtroom proceedings and evidentiary presentation equipment rentals. Transcripts are the most frequently requested service of the Technical Services Department. The Department also accepts reservations for renting a variety of audio-visual equipment including telephones with conferencing capabilities, TVs, VCRs, DVD players, and LCD players for use in courtrooms and hearing rooms. Technical services and support are also provided to Court staff. The responsibilities related to courthouse services range from installing and maintaining server/PC hardware and software applications to designing and troubleshooting complex computer networks and information databases. Ensuring the quality and proper recording of all court proceedings for the official court record is a key service provided by the Technical Services Department.

For more than 25 years, the Court has electronically recorded all courtroom proceedings including recordings from Civil, Family, Equity, Criminal, Juvenile, District Court Appeals, and Register of Wills cases. In 2002, the Court introduced a new digital recording system known as *CourtSmart*. The *CourtSmart*

system allows the Court to constantly monitor court proceedings, perform real-time verification of courtroom events, and to record and maintain the proceedings with vastly improved sound quality. In addition, *CourtSmart*'s storage and retrieval flexibility of archived media enables the Department to offer new services such as rapid search on court proceeding files, which expedites a transcript request. Information digitization via *CourtSmart* also enables the Court to provide court proceedings in CDs.

Montgomery County Judicial Center: Virtual Services

The Montgomery County

Circuit Court has updated its public access website. The website provides information on a variety of court-related services including (but not limited to) jury duty, court filings and associated forms, legal research, mediation, and pro se assistance. In addition to a daily listing of the court cases to be heard by the court, contact information for each department is provided on the website. The Court has recently updated all its web pages, and the revised site has been launched. The new site is more user-friendly for the public and includes brief discussions of the Court's key departments as well as frequently asked questions to provide users with accessible court-related information at any time during the day.



Montgomery County Circuit Court's New Home Page

Website Address

To access the Montgomery County Circuit Court website, click the following web address or copy it into your internet browser.

<http://www.montgomerycountymd.gov/content/circuitcourt>

Law Library

Montgomery County Circuit Court Law Library is the only public, professionally staffed legal research facility in Western Maryland. The mission of the Library is to support legal research activities of the Court, the Bar, and the public. As of FY2009, there are two full-time and one part-time staff available to provide assistance to library patrons.

The library has a comprehensive collection of law, including U.S. statutes and the codes of Maryland, Washington, D.C., Virginia, and local ordinances. In addition, it has a complete collection of state judicial opinions and a variety of subject treatises and reference materials. The Law Library also offers free access to the major on-line legal databases (wireless internet access is available in the library and throughout the Judicial Center). Some of the key activities offered by library staff include:

- Developing the Court's quarterly newsletter.
- Providing legal research training for the public and court staff.
- Providing each judge with appropriate legal materials in chambers.
- Building the Maryland Legislative History collection through the addition of the Bill Files.
- Developing a preservation program for the Court's printed and online material.
- Assisting the organization of the Conference of Maryland Law Library Directors with other courthouse librarians under the auspices of the Maryland Judiciary.

The key goals of the library to be accomplished in the coming fiscal years include:

- Revamping the current catalog system.
- Developing a legal research training class for court employees.
- Administering the Maryland State Law Library grant for special projects. Future plans include a new catalog, furniture, and storage systems, as well as equipment to access legislative histories more efficiently. Also, the library will continue to develop our preservation program.
- Work with other court law libraries in the Conference of Maryland Law Library Directors to improve access to justice.

Library Services

The library offers a variety of services for patrons including:

- Reference
- Computer Use
- Internet Access
- Photocopies
- Facsimile
- Free Notary Service



Ensuring Accountability: Continuous, Collaborative Review of Court Performance

Montgomery County Circuit Court continuously reviews the county's statistical information as it relates to the activities of the court, as well as its own performance data to ensure it is performing efficiently and being accountable to its patrons. In the past, as one of the frontrunners in the state in terms of systematic case management and data quality control, Montgomery County Circuit Court enjoyed its leading status in statewide case processing performance. However, as other jurisdictions have incorporated efficient case management and monitoring systems, the gap in performance between Montgomery County and other jurisdictions has narrowed.

Despite the challenges facing the Court such as budget constraints, Loretta Knight, Clerk of the Court, and Pamela Harris, Court Administrator, reaffirm their commitment to improve and maintain the honest, fair, and efficient manner by which the Court processes cases. They continue to support efforts ensuring the quality of the case data that the Court collects, so that analyses based on the data accurately reflects the Court's case processing performance. Further, both agree that the management of case processing should be evidence-based, that is, management decisions regarding case processing should be based on the feedback from systematic analyses of data gathered by the Court, not on managers' anecdotal evidence or personal management preferences or styles. Understanding how Court performance relates to County demographics (for example) and budgetary constraints are important aspects to the efficient management of the Circuit Court.

To achieve these goals, Ms. Knight and Ms. Harris have undertaken a collaborative approach that is based on close communication and coordination. While acknowledging the importance of the Clerk's Office to perform their functions autonomously, both agree that data quality responsibilities must be shared by both the Clerk's staff and the Court Administration staff. It is critical that all staff of the Court understand the importance of ensuring that the data collected reflects the *true* performance of the Court because what we do is more than processing paper; it is serving the residents of Montgomery County.

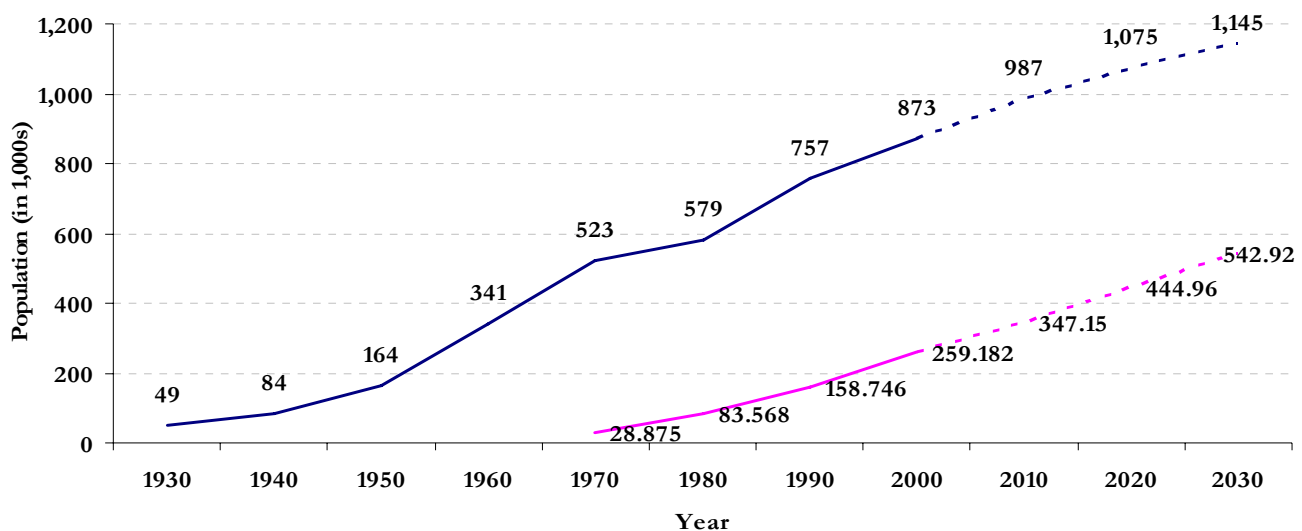
Montgomery County and Circuit Court Statistics

This section highlights some of the characteristics of Montgomery County residents. Understanding the characteristics of the County's population is critical for the Circuit Court to ensure that residents' Court-related needs are met. For instance, it is important to understand the ethnic diversity of the County population because it provides insight into the types of languages for which the Court will need interpreters. By being aware of the County's socio-demographic trends, the Circuit Court is in a better position to make informed decisions related to the resources required to support the efficient administration of justice.

Population of Montgomery County is expected to reach 1-million in the next decade

Montgomery County's population in July 2007 was 930,813,⁶ a 6.6 percent increase from the 2000 Census estimate of 873,341, and is expected to continue growing, reaching one million shortly after 2010, beyond which its growth is projected to slow down (see Figure 1). Since 1989 the County has been the most populous jurisdiction in Maryland; nationally, the County is among the top 45 most populous counties (currently 44th; and 49th in 2000). The two leading forces sustaining the County's current population growth are the record number of births (on average 13,400 births per year since 2000) and the influx of new residents, in particular, those from other countries (on average 9,900 international immigrants per year since 2000).

Figure 1. Historical and Projected Total and Non-White Populations, Montgomery County, Maryland



Sources: Maryland Department of Planning, Planning Data Services, *Historical and Projected Total Population for Maryland's Jurisdictions*, and *Demographic And Socio-Economic Outlook: Montgomery County*: September 2007.

⁶ Population Estimates Program, U.S. Census Bureau, March 22, 2007, *County total population, population change and estimated components of population change: April 1, 2000 to July 1, 2006*. (CO-EST2006-alldata)

Continuing racial diversity⁷

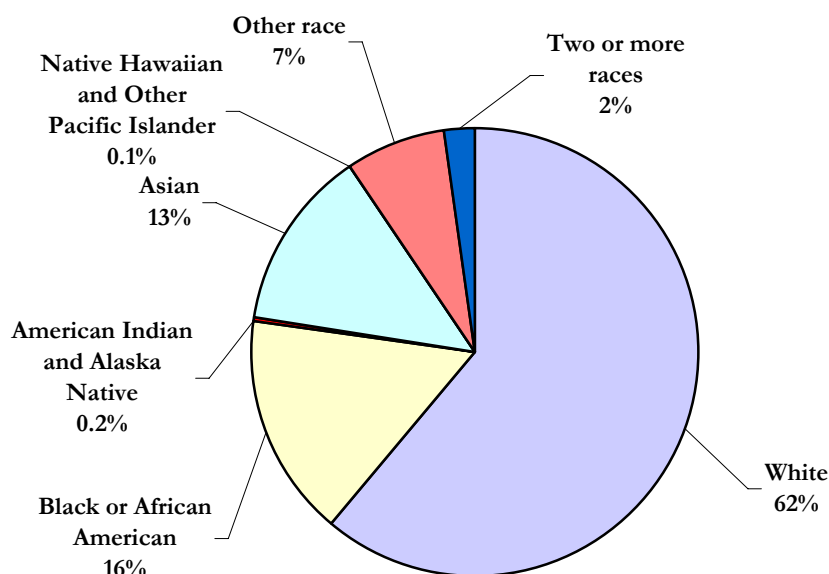
Along with the population growth, Montgomery County has been experiencing increased racial and ethnic diversity in its population. According to the 2007 U.S. Census American Community Survey (see Figure 2), 62% of Montgomery County's residents are White. Sixteen percent of Montgomery County residents are Black/African American, which is substantially smaller than the statewide average of 29%. In contrast, 13% of the County population is comprised of Asian residents, which is nearly 3 times the state average (5%). Irrespective of race, 14% of Montgomery County's population is comprised of individuals with Hispanic or Latino origin, substantially higher than the statewide percentage (6%) and almost at the national percentage (15%).

Due to major changes in the collection of race/ethnicity data, estimates based on the 2000 Census data and those based on pre-2000 Census data are not comparable. However, the overall trend for the past quarter of a century seems clear.

Even though White residents represent the majority of the County's population, their representation has declined significantly from 86% in 1980 to 62% in 2008. In contrast, all other major non-White race groups except for American Indian/Alaskan Native experienced substantial increases in population size. Between 1980 and 2006, the number of Black/African American residents in the County tripled from 50,800 to 152,700. The increase in Asian

and Hispanic populations during the same period is phenomenal, both experiencing over a six-fold increase; Asians from 22,600 to 124,600, and Hispanic from 22,800 to 128,400.

Figure 2. Montgomery County Population by Race, 2007



Source: U.S. Census Bureau. 2007 American Community Survey (<http://www.census.gov/acs/www/Products/index.html>, accessed 12/23/2008)

⁷ The analysis in this section uses population data and estimates from the United States Census, which collects race and Hispanic-origin information in two separate questions. Accordingly, individuals of any race could be of Hispanic origin, and those who are of Hispanic origin could be of any race.

Increase in foreign-born residents

Another major aspect of the County's population growth is the increase in the number of residents who were born outside the United States. Currently, over 30% of the County residents are foreign born, a 3 percentage-point increase from 27% in 2000. Nearly 40% of these 273,000 foreign-born residents in the County are originally from Asia, followed by 35% from Latin America, 14% from Africa, and 11% from Europe (see Table 1). On average, 2 out of 5 foreign-born Maryland residents live in Montgomery County.

Table 1. Foreign-Born Population in Montgomery County by World Region of Birth, 2006

Region of Birth	Montgomery County		Maryland	(% in Montgomery County)
	Number	(%)	Number	
Asia	106,822	(39.1%)	230,478	(46.3%)
Latin America	94,141	(34.5%)	242,099	(38.9%)
Africa	38,437	(14.1%)	109,751	(35.0%)
Europe	30,563	(11.2%)	87,396	(35.0%)
Northern America	2,845	(1.0%)	10,785	(26.4%)
Oceania	419	(0.2%)	2,648	(15.8%)
Total	273,227	(100.0%)	683,157	(40.0%)
Montgomery Population	932,131	(31.1%)		

Note: Excludes Population Born at Sea

Source: US Census, 2006 *American Community Survey*, (<http://www.census.gov/acs/www/Products/index.html>, accessed 12/23/2008)

The diversity of nativity in the County population is also reflected in the equally wide spectrum of languages spoken by its residents, which is particularly important for the Court in its efforts to provide sufficient spoken-language interpreter services to County residents. More than one-third of these individuals speak Spanish at home, 10% Chinese, and 8% French. These top 3 languages account for over half of the populations who speak a language other than English at home. In fact, over two-thirds of these individuals speak one of the top 5 languages (Spanish, Chinese, French, African languages, and Korean). However, it is also important to note that numerous foreign-born County residents speak other languages at home though they are minority in number.

Table 2. Montgomery County Population (estimates) 5 years and over by Language Spoken At Home and English Proficiency, 2006

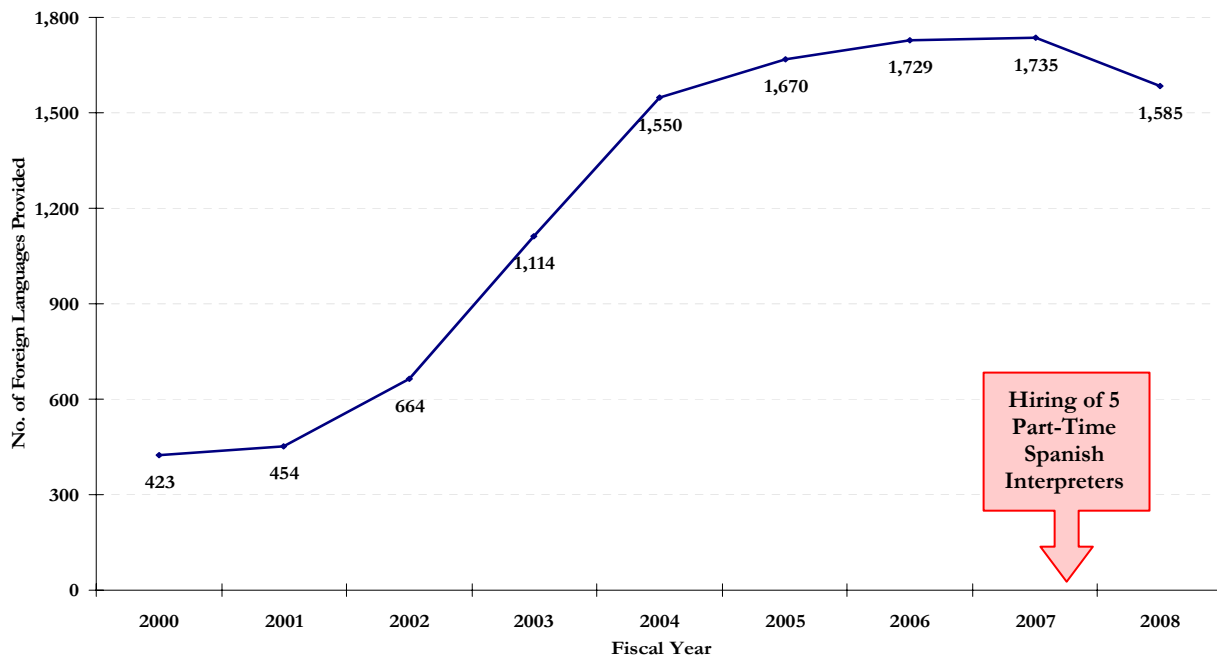
	Montgomery County		Maryland	United States
	Number	(%)	(%)	(%)
Population 5 years and over	866,247			
English only	558,508	(64.5%)		
Language other than English	307,739	(35.5%)	(14.9%)	(19.7%)
Speak English less than "very well"	123,361	(14.2%)	(5.7%)	(8.7%)

Source: US Census, 2006 *American Community Survey*, (<http://www.census.gov/acs/www/Products/index.html>, accessed 12/23/2008)

The *American Community Survey* further reveals that approximately 40% of the County residents who speak a language other than English at home indicated that they speak English less than “very well.” These 123,400 individuals account for 14% of the County population (see Table 2).

Increased diversity in the County’s population has significantly influenced the Court’s daily operations and its ability to provide needed services to the community. For example, the recent increase in County residents whose primary language is not English has resulted in a substantial increase in the number of foreign-language interpreting services needed during hearings, trials and other ancillary programs, as well as the breadth of languages for which interpreters need to be proficient. Figure 3 depicts the demand for foreign-language interpreter services based on the number of invoices that the Court processed for FY2000 through FY2008. In recent years, the Court processed over 1,700 foreign language-related interpreter invoices, which more than quadrupled since early 2000s. In FY2008, the Court hired 5 part-time Spanish interpreters to meet the ever-increasing demand of Spanish interpreter services as indicated by the boxed arrow in Figure 3. The number of invoices declined by 150 between FY2007 and FY2008, which is likely attributable to the hiring of part-time Spanish interpreters because they do not need to complete invoices as required for contract employees as opposed to a decline in the actual number of interpreter services.

Figure 3. Court Interpreter Services: Numbers of Foreign-Language Interpreting Service Invoices Submitted,* Montgomery County Circuit Court, Maryland, FY2000-FY2008

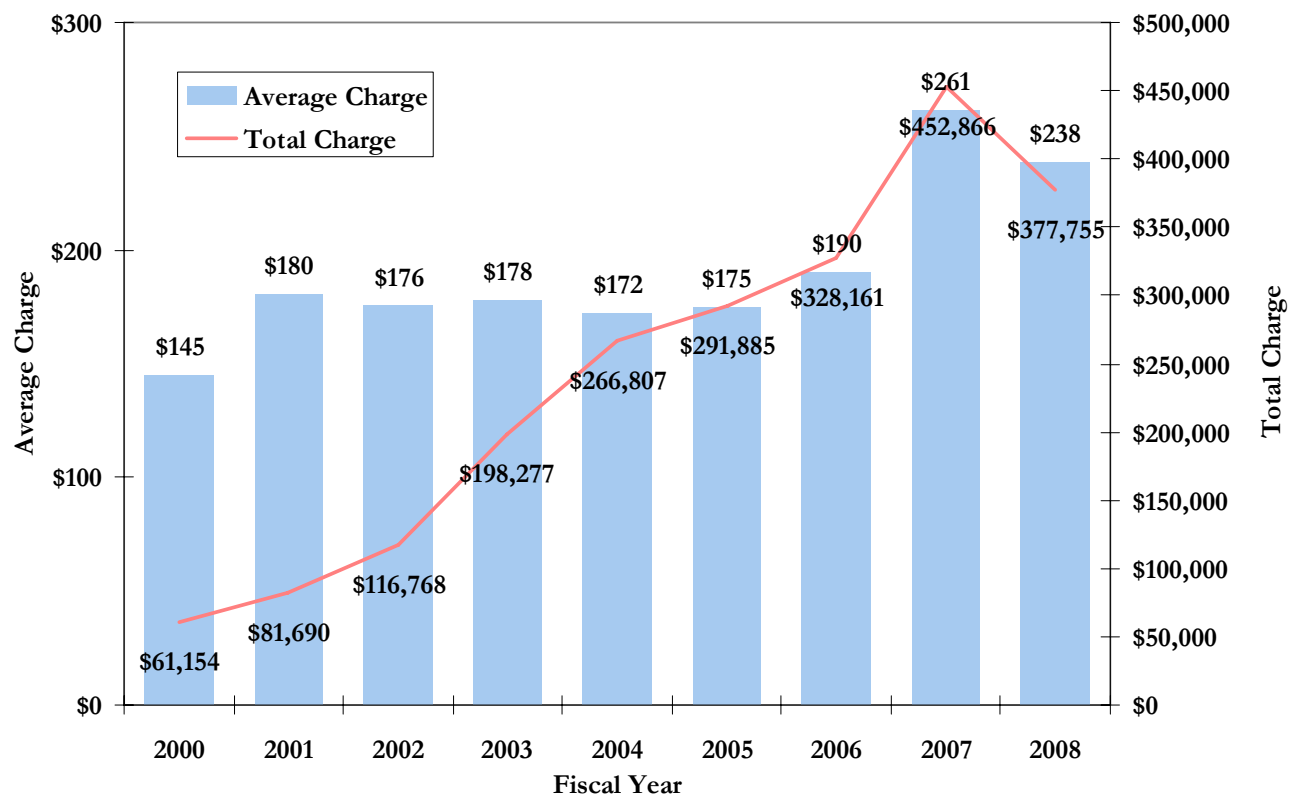


Note: These numbers are based on the invoices submitted by interpreters who provided services.

* Excludes interpreter services that do not involve foreign-language interpretations (such as American Sign Language, Real Time Captioning, CART Services, Cued Speech and Caption Reporting) and those for which language information is not readily available (1,024 invoices). Since (in most cases) interpreters submit an invoice per day rather than per service, the actual number of services is expected to be much higher than the number of invoices submitted. Also, note that the FY2008 figure does not include the services provided by the five Spanish interpreters who have been hired as part-time court employees.

The line graph in Figure 4 depicts the amount of funds spent to acquire foreign-language interpreter services. The trend closely follows that of the number of services shown in Figure 3, except for FY2007 when the total charge jumped from \$330,000 to \$450,000 while the number of services increased by 5 between the two fiscal years. The trend in the average charge, depicted in bar graphs in Figure 4, explains the increase; between FY2006 and FY2007, the average charge for foreign language interpreter services increase by \$70 from \$190 to \$261.

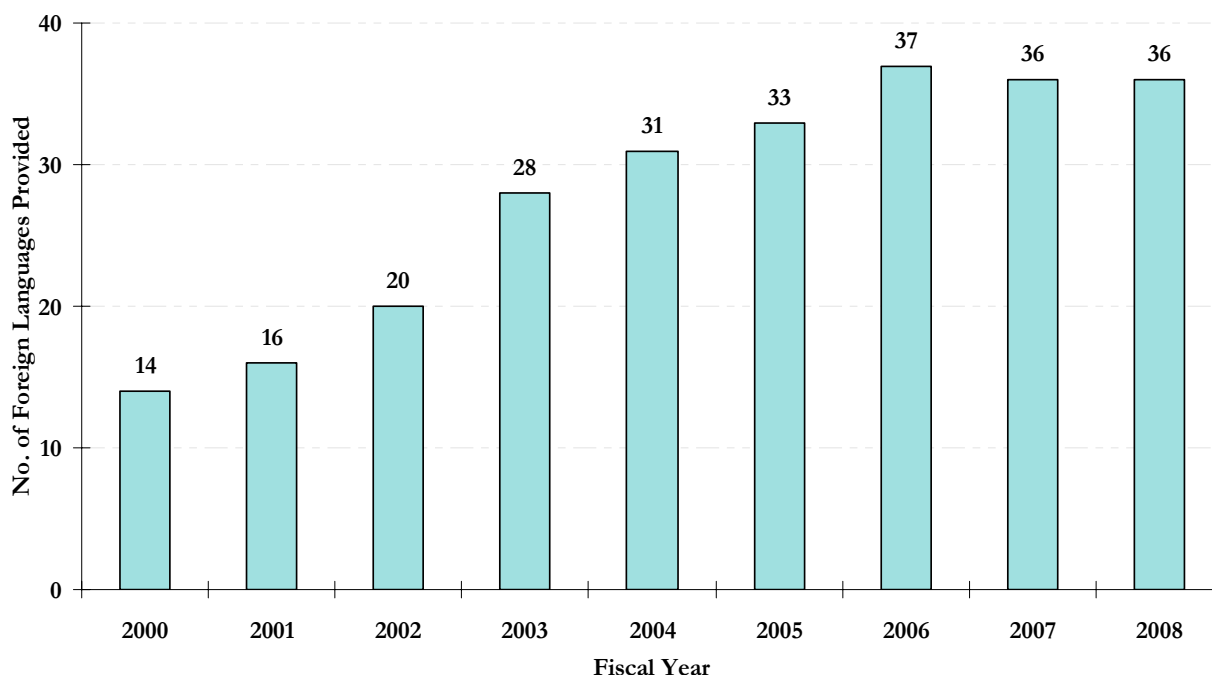
Figure 4. Court Interpreter Services: Expenditures for Foreign Language Interpreting Services,* Montgomery County Circuit Court, Maryland, FY2000-FY2008



* Expenditures are based on the invoices submitted by interpreters who provided services. Interpreter services that do not involve foreign-language interpretations (such as American Sign Language, Real Time Captioning, CART Services, Cued Speech and Caption Reporting) and those for which language information is not readily available (1,024 invoices).

Figure 5 illustrates the magnitude of language diversity reflected as the number of foreign-languages for which the Court provided interpreter services. As the figure indicates, the number of dialects requiring Court interpreting services increased substantially from 10-15 languages in early 2000s to close to 40 different languages in FY2006-2008. Since some languages are consolidated into a single category (such as Chinese, Cantonese, and Mandarin, and various dialects spoken in India) due to the coding inconsistencies in the past, the actual number of the languages may be as high as 50.

Figure 5. Court Interpreter Services: Number of Foreign-Languages for which Interpreter Services were Provided,* Montgomery County Circuit Court, Maryland, FY2000-FY2008



* Excludes interpreter services that do not involve foreign-language interpretations (such as American Sign Language, Real Time Captioning, CART Services, Cued Speech and Caption Reporting) or those for which the specific language service is not readily available (1,024 invoices). Since some languages were consolidated into a larger language category, the actual number of languages may be higher. For example, Cantonese, Mandarin, Taiwanese, and Taishanese were characterized as 'Chinese'. Similarly, a number of languages spoken in India (such as Tamil, Karnatki, Gujarati, Bengali, Hindi, Punjabi, etc.) are characterized as "Indian Dialects".

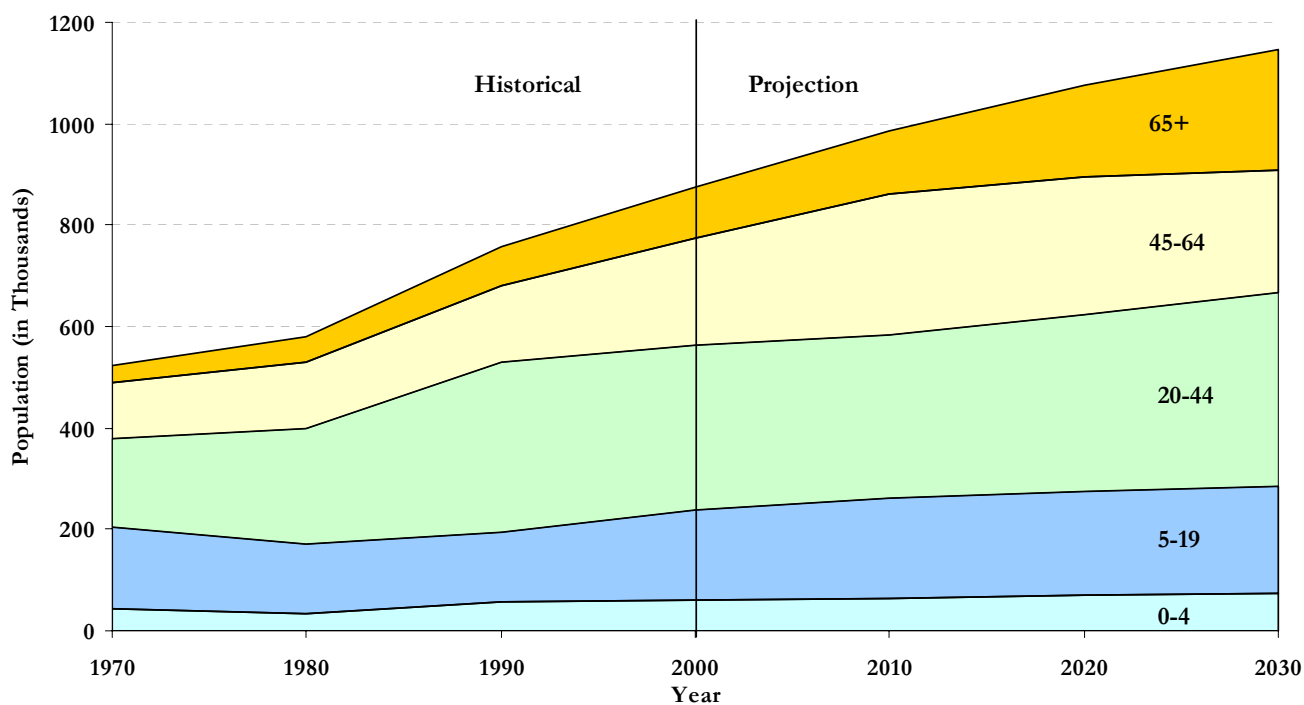
As the figure indicates, the Court provided interpreting services for 36 different languages for FY2008, more than doubled from FY2000 when interpreting services were provide for 14 languages. In FY2008, of the 36 different languages, over 40% of the invoiced services (41%, 649 of 1,585) were Spanish. The percentage of Spanish language services would be much higher if those provided by the Court's Spanish interpreters were included in the FY2008 figure, probably as high as 53% as observed in FY2007. However, since the demand for other languages has been increasing, the percentage of foreign-language interpreting services that provided Spanish declined from 77% in FY2000 to 41% in FY2008. Although markedly less frequent compared to Spanish, the second most frequently cited language for which interpreting services were required was Chinese (includes Cantonese, Mandarin and other Chinese dialects); in FY2008, 149 such services, accounting for 9% of the total invoiced services, were provided. Other languages requiring interpreter services from the Court include French, Vietnamese, Korean/Hangul, Amharic/Ethiopian, Russian, Farsi, Indian languages, Urdu, and Creole and its dialects. These languages account for 90% of the foreign-languages requesting interpreter services for FY2008. In some situations, the Court may not be able to locate an interpreter if the language for which the service is requested is rare. Thus, the actual demand for foreign-language services may even be greater and is

expected to become more complex as the Court population becomes more diverse. However, the Court is determined to meet this ever-increasing demand.

Maturing County population

Like many other communities in the nation, the population of Montgomery County is maturing with the aging of the “Baby Boomer” population (those born between 1946 and 1964). Over the past three decades, the County population’s median age increased from 30 in 1970, to 34 in 1987, to 37 in 2000, and to 38 years in 2007. The trend is expected to continue possibly at a greater rate not only as the dominating post-World War II baby boomers age but also because of improving life expectancy of the older population. The trend has also resulted in an ever-increasing proportion of the County population aged 65 and over. In 2006, approximately 110,800 (11.9%) of Montgomery County residents are age 65 and older. In 1970, the portion of this population was 6%, half of the current level, and by 2030, slightly more than 1 in 5 of the County population is expected to be age 65 and over. Another trend among this population segment is the rapid “aging” of the elderly population. Currently, almost half of these elderly residents are over 74 years old (51,600, 49.2%), and 30% (16,600) of which are aged 85 and older. Given the improved life expectancy and the continuation of anticipated universal health care coverage for the nation’s elderly population (though Medicare), this elderly segment of the County’s population is expected to increase.

Figure 6. Historical and Projected Populations by Age Group for Montgomery County, 1970 – 2030



Source: Maryland Department of Planning, Planning Data Services, Demographic and Socio-Economic Outlook (<http://www.mdp.state.md.us/MSDC/County/mont.pdf>).

High-Tech industries in Montgomery County

According to the U.S. Census' 2002 Economic Census,⁸ there were approximately 20,600 established businesses in Montgomery County. This accounts for 16% of all businesses located in the state. Over one quarter of these establishments (5,339, 26%) are in the field of professional, scientific, and technical services, which includes high-technology firms, followed by 3,100 firms (15%) providing health care and social assistance and 3,000 in retail services.

In the late 1990s, information technology was identified as Maryland's largest economic impact cluster.⁹ Specifically, Maryland's information technology industry added over 18,000 new technology jobs between 1993 and 1998 bringing the total employment attributable to the information technology industry to well over 100,000. According to the Maryland Department of Planning,¹⁰ Montgomery County has by far the largest number of high-technology firms in the state. The largest concentration within the County is in the Rockville-Gaithersburg-Germantown area along the I-270 corridor that runs from the Capital Beltway (I-495) to Frederick County. Other large concentrations in the County include Bethesda and Silver Spring, inside the Capital Beltway.

Cases involving these high-tech industries present unique challenges for the Court in their ability to make judgments on these emerging technology and new business models while following legal precedents. Specifically, judicial decisions will have to look forward to the potential impact of technology, as well as back to established legal precedent. In response to the increasing demand in technology-related cases, the Circuit Court has developed a Business and Technology Track to process these types of cases. An action will be assigned to this track if it presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice (Rule 16-205(c)).

Crime statistics

Statewide, the overall crime rate has been in decline after peaking around 2001-2002. Again, Montgomery County is slightly ahead of the curve although Baltimore City and Baltimore County experienced larger percentage reductions in their crime rates. Noteworthy for Montgomery County is that despite its population base and growth rate, the overall crime rate (27.1 crimes per 1,000 individuals) is below the state average, much smaller than those of the other 4 most populous jurisdictions (Baltimore City, Prince

⁸ U.S. Census, *Economic Census* (<http://www.census.gov/econ/census02/>)

⁹ Circuit Court for Montgomery County, Maryland, *Civil Differentiated Case Management Plan*, July 2006.

¹⁰ Maryland State Data Center, Maryland Department of Planning, 2007. *High-Technology Establishments in Maryland – 2004*. (http://www.mdp.state.md.us/msdc/CBP/HighTech_MD/2004/highTech_byZip_2004.pdf, accessed 9/24/07)

George's County, Baltimore County, and Anne Arundel County). This is reflected on Table 4, which presents the number criminal cases (both original and reopened cases) filed at Maryland's 5 largest jurisdictions., reflects the same pattern. In fact, the County's 2005 figure is slightly greater than that of Washington County (26.8) whose 2006 population is approximately 143,700, about 15% of Montgomery County.

Table 4. Circuit Court Criminal Case Filings for Selected Jurisdictions, FY2001-FY2007

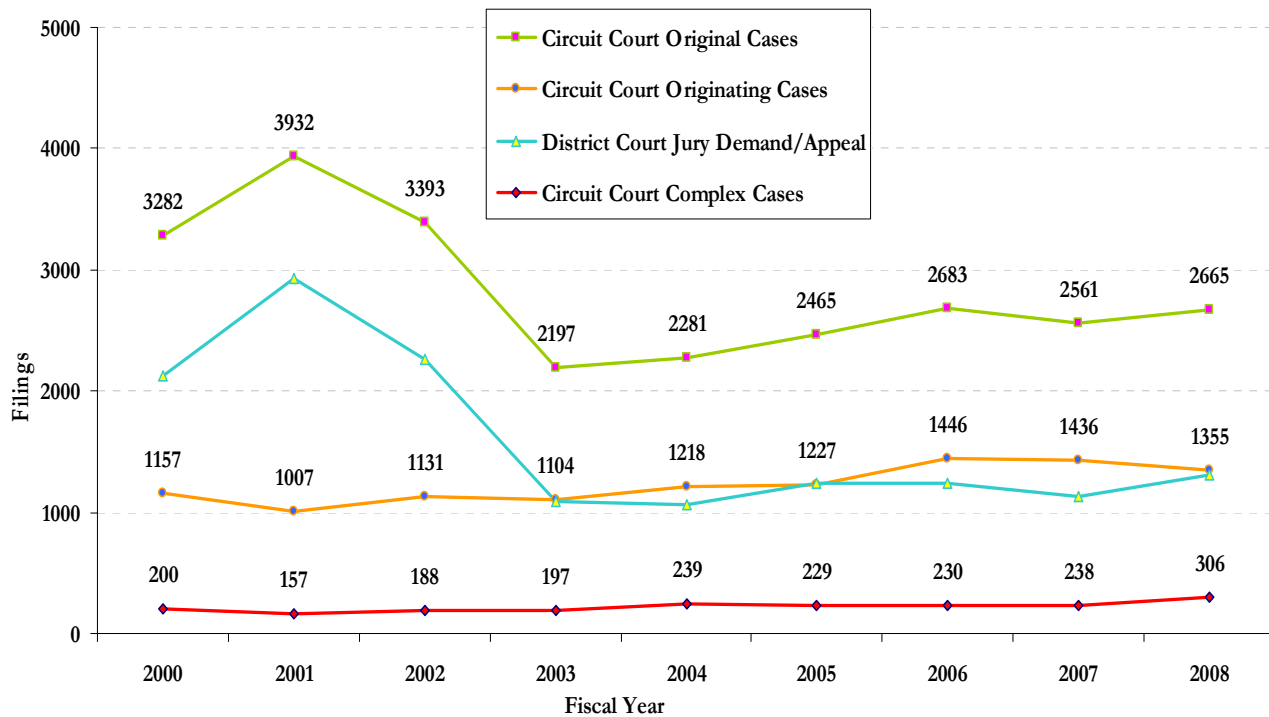
Jurisdiction	Population*	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	% (FY2007)
Baltimore City	637,455	26,847	25,378	24,936	27,189	25,790	24,599	21,760	27.2%
Prince George's	828,770	10,496	9,640	8,855	8,080	10,096	7,550	8,485	10.6%
Baltimore County	788,994	6,849	6,807	6,606	6,334	6,599	8,274	8,125	10.2%
Anne Arundel	512,154	5,275	6,159	6,359	6,389	6,744	6,969	6,519	8.1%
Montgomery	930,813	6,957	6,722	5,540	5,046	5,075	5,255	6,228	7.8%
Statewide	5,618,344	78,028	77,750	76,379	78,322	79,763	80,953	80,020	

* Sources: Population estimates (July 2007): Maryland State Data Center, *Population Estimates for Incorporated Places in Maryland Within Jurisdictions: April 1, 2000 to July 1, 2007* (http://www.mdp.state.md.us/msdc/Pop_estimate/Estimate_07/municipal/MDMuni_07_WithinJur.xls); Filings: *Maryland Judiciary Statistical Reports, 2003-04, 2004-5, 2005-06, and 2006-07.*

The number of violent crimes (homicide, rape, robbery and aggravated assault) in Montgomery County first exceeded 2,000 in 2002, reaching its peak of 2,262 in 2003. According to the Montgomery County Police Department,¹¹ the number of violent crimes reported in 2007 is 2,059 at about the 2005 level (2,079) and about 100 crimes fewer than in 2006 (2,156). The similar pattern holds for property crimes. The number of reported burglaries in 2007 is 3,551, compared to 3,570 in 2005 and 3,804 in 2006. As Figure 7 indicates, the number of original criminal case filings that originated at the Circuit Court has been fairly constant from FY2000-2008, fluctuating between 1,000 to 1,400 filings per year though the number of cases with serious offenses (homicide, rape, first and second degree sex offenses, child abuse, major fraud, arson, and DNA cases) increased from 200 to 300 cases during the same period. The other major type of criminal case processed at the Court is District Court jury pray or appeal cases, which peaked close to 3,000 in FY2001 but declined precipitously thereafter due to procedural changes such as the implementation of the "Instant Jury Demand." Currently, the number of these cases are about 1,200-1,300 filings per year.

¹¹ Montgomery County Department of Police, *2007 Annual Report* (<http://www.montgomerycountymd.gov/content/pol/media/pdf/finalannualreport.pdf>, accessed on 9/7/2008)

Figure 7. Number of Original Criminal Case Filings: Overall, Circuit Court-Originating Cases, District Court Jury Demand or Appeal Cases, and Circuit Court Complex Criminal Cases, FY2000-FY2008



In contrast, during the same period, the number of larcenies has steadily increased from 15,869 in 2005 to 17,536 in 2007.¹² The corresponding increase is observed in the number of criminal cases filed at the County's District Court, which increased from 17,986 to 22,776 between FY2003 and 07.¹³

¹² Montgomery County Department of Police, 2007 *Annual Report*

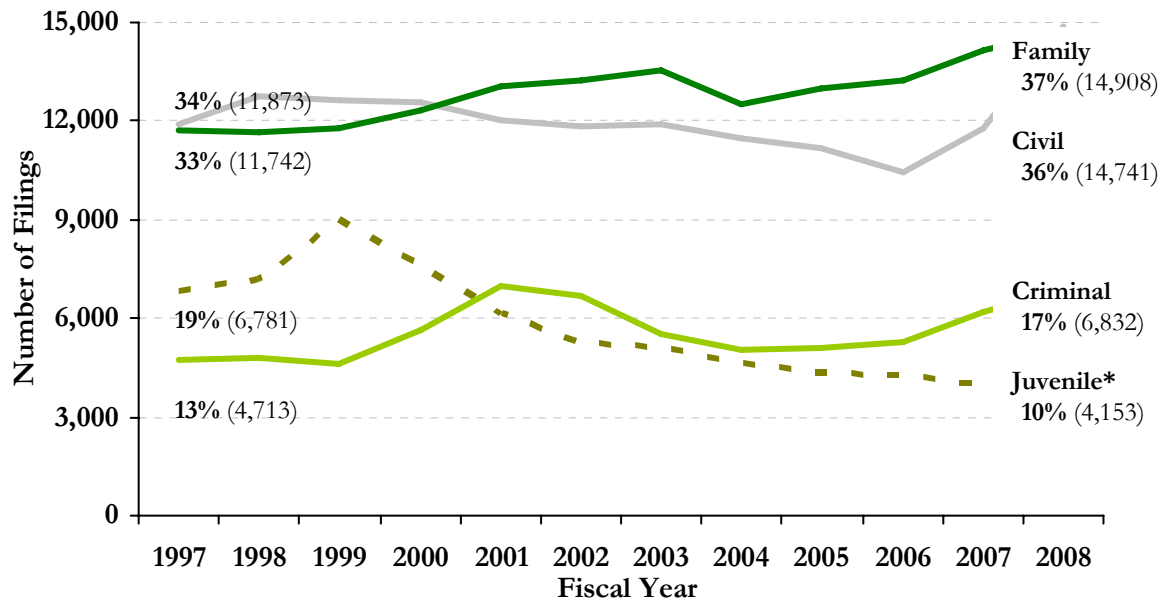
¹³ Maryland Judiciary, *Maryland Judiciary Statistical Reports, 2003-04, 2004-5, 2005-06, and 2006-07* (<http://www.courts.state.md.us/publications.html>, accessed on 12/1/2008)

The Montgomery County Circuit Court is committed to accountability and tracking the operations of the Court so as to ensure that residents are served in an honest, fair, and efficient manner. As part of the Court's accountability efforts, the Data Processing Department generates annual data on the Court's workload and case processing performance. Court Researchers analyze the data and present results to Court personnel and associated stakeholders.

Workload Analysis

Key workload measures analyzed by the Court include the number of filings, terminations, hearings, and trials that occur annually in Family, Civil, Criminal, and Juvenile cases. Figures 13 through 17 highlight information related to these key workload measures for FY1997 through FY2008.

Figure 13. Number of Cases Filed by Case Type, FY1997 - FY2008



* Juvenile statistics include filings for both juvenile delinquency and child welfare cases.

Figure 13 displays the total number of filings by case type between FY1997 and FY2008. Across all case types displayed except for Juvenile Delinquency, total filings appear to be on an upswing. The total number of filings, however, has remained rather constant across case types between FY1997 and FY2008 in that about 1/3 of the total filings are characterized as Family and Civil filings in FY1997 and FY2008 whereas less than 20% are characterized as Criminal and Juvenile filings.

Figure 14. Number of Cases Terminated by Case Type, FY1997 - FY2008

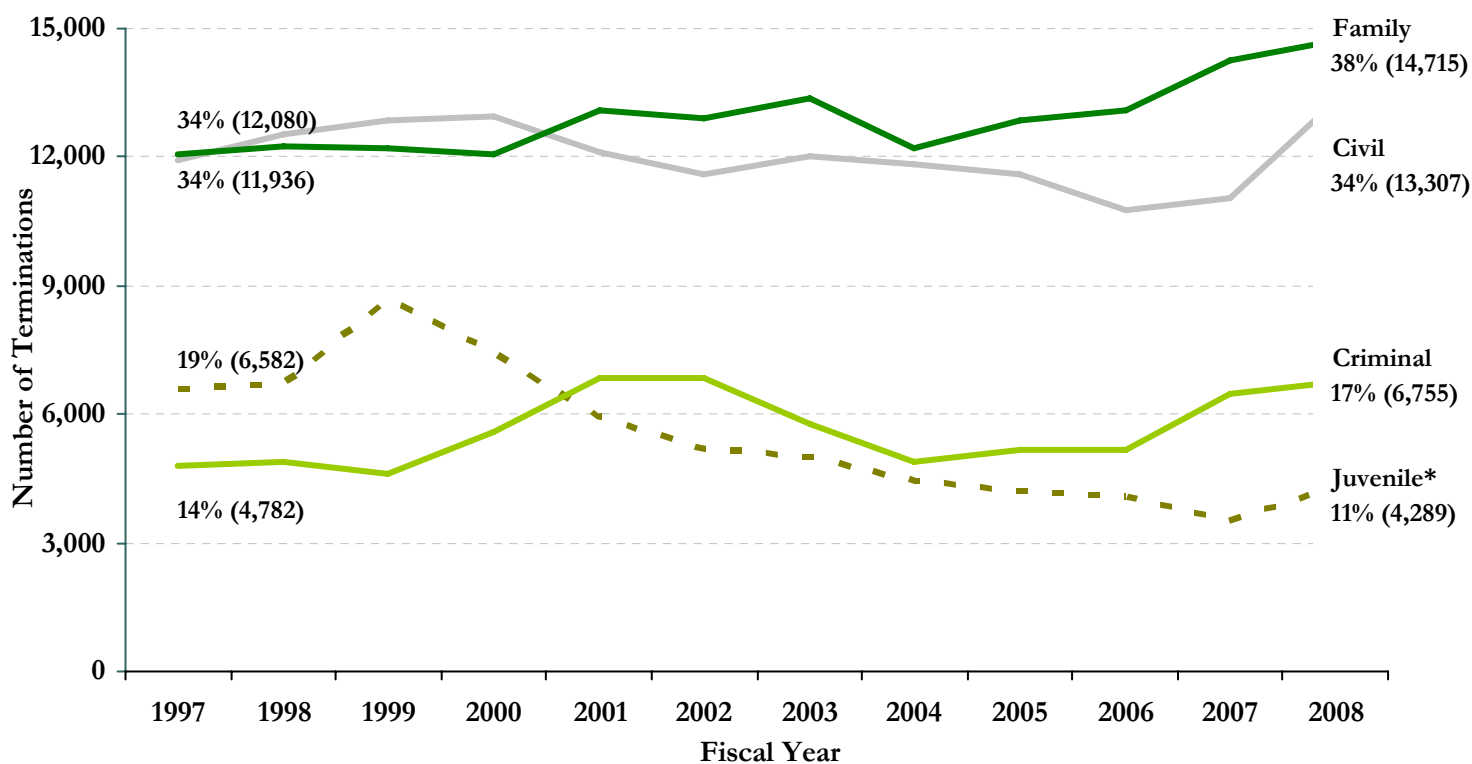


Figure 14 highlights the total number of case terminations by case type between FY1997 and FY2008.

The pattern reflected is similar to that of case filings displayed in Figure 13, suggesting that most of these cases were disposed of within a year from filing. All terminations by case type are on the upswing except for Juvenile Delinquency, which exhibits a slight increase between FY2007 and FY2008 after a long decline since FY1999. The total number of terminations has remained rather constant across case types.

As observed in Figure 13, Family and Civil case terminations constitute about 1/3 of the total terminations respectively in FY1997 and FY2008 whereas less than 20% are Criminal terminations and Juvenile terminations are 10% of the total terminations.

Figure 15. Number of Hearings Set versus Held, FY1997 - FY2008

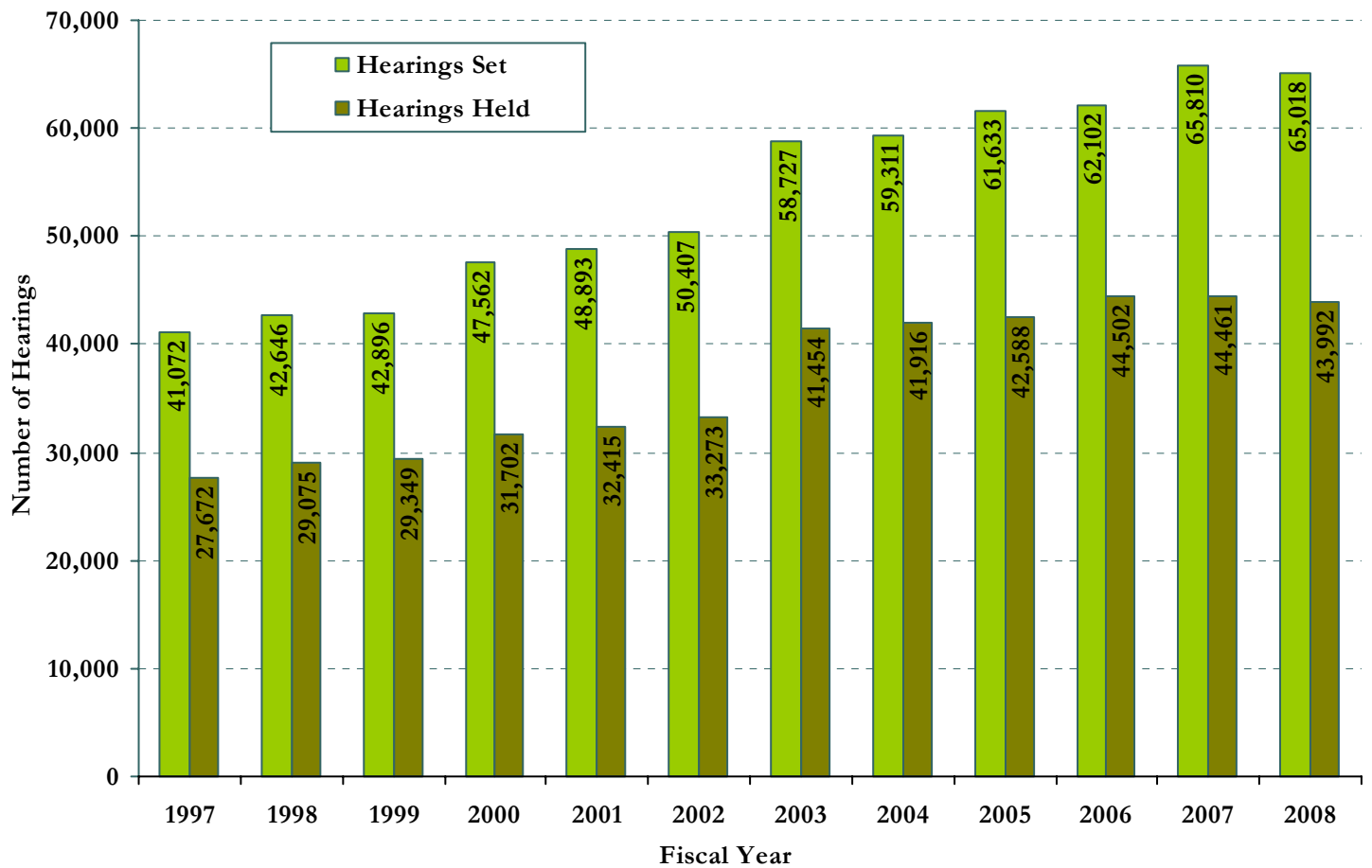


Figure 15 displays the number of hearings set versus held between FY1997 and FY2008. Since FY1997, the number of matters set for hearings increased by 58% and the number of hearings held increased by 59%. If we look at a more recent time period (e.g., between FY2001 and FY2008), the Court experienced a 33% increase in hearings set and a 36% increase in hearings held.

Figure 16 depicts the number of trials set and held between FY1997 and FY2008 (see chart on page 53). Since FY1997, the Court experienced a 65% increase in the number of matters set for trial and a 47% increase in the number of trials held during the same period. There is a substantial increase in trials set and held between FY2002 and FY2003. This increase is directly related to the transfer of the juvenile jurisdiction from the District Court and administrative changes made to judges' calendars due to Maryland Rule 9-208. If we look at a more recent time period (e.g., FY2003 - FY2008), the Court experienced a 25% increase in trials set and a 22% increase in trials held.

Figure 16. Number of Trials Set versus Held, FY1997 - FY2007

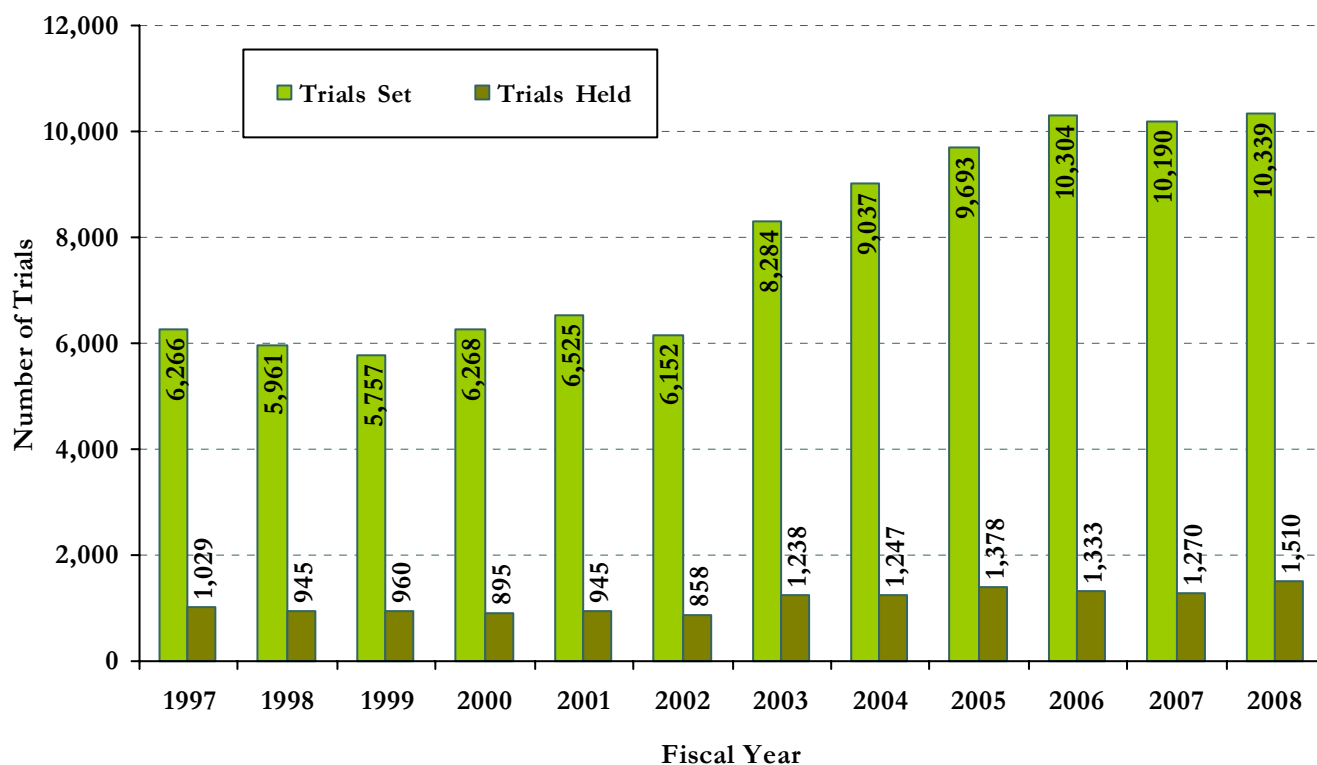


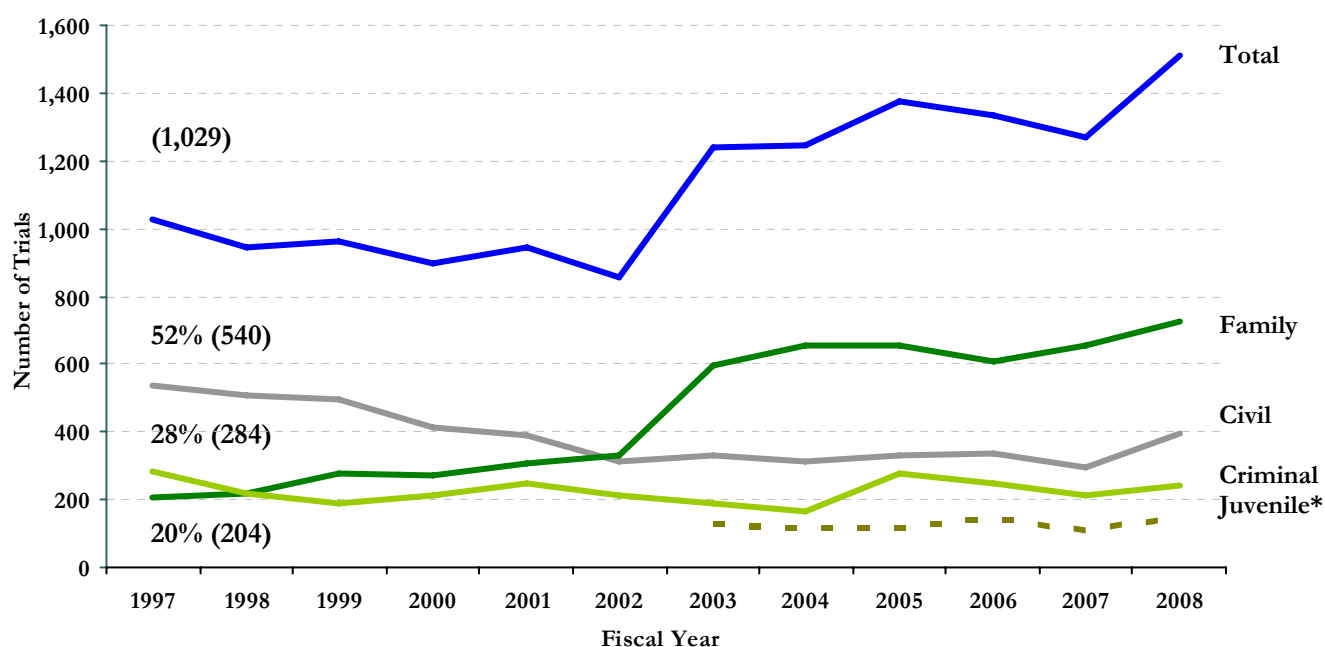
Figure 17 displays the percentage of trials held by case type between FY1997 and FY2008. Questions have been raised about the viability of trials given recent alternative approaches to resolving cases filed within Courts of general jurisdiction. For instance, the use of Alternative Dispute Resolution (ADR) approaches provides parties with a means to settle their disputes outside of more formal court proceedings such as a trial. Between FY1997 and FY2008, the Montgomery County Circuit Court witnessed an increase of 47% in the number of trials held.¹⁴ The 47% increase in the number of trials is primarily the result of a marked increase in the number of family trials held over time. Specifically, there has been 35% increase in the number of family trials held between FY1997 and FY2008. In contrast, civil and criminal trials experienced declines during this time period. For civil cases, the number of (bench and jury) trials held declined by 27% from 540 in FY1997 to 393 in FY2008. For criminal cases, the percentage change in bench and jury trials between FY1997 and FY2008 is 14%. The declines in civil and criminal trials experienced in Montgomery County are higher than statistics obtained from a statewide analysis of trial trends performed by the National Center of State Courts (NCSC).¹⁵ According to an analysis of trial

¹⁴ It may be appropriate to exclude juvenile trials from the calculation of percentage change over time because juvenile cases did not fall under the Circuit Court's jurisdiction until FY2003. If juvenile trials were excluded, the percentage change in the number of trials held over time reduces to 33% (as opposed 47%).

¹⁵ Brian J. Ostrom, Shauna M. Strickland, and Paula L. Hannaford-Agor, "Examining Trial Trends in State Courts: 1976-2002," *Journal of Empirical Legal Studies* 1, no.3 (November 2004): 755-782.

trends in 23 state court systems by the NCSC (2004), the number of criminal bench and jury trials declined by 12% between 1976 and 2002. In the same NCSC report, a 7% decline was observed in the number of civil bench and jury trials between the same period. While the declines in the number of criminal and civil trials appears to be higher than the “statewide” statistics provided by the NCSC (2004), it is important to note that any differences observed may be due to how the data was collected, the length of the observation period, or other methodological considerations.

Figure 17. Percentage of Trials Held by Case Type, FY1997 - FY2008



* Juvenile statistics include trials that occur in either juvenile delinquency or child welfare cases.

Case Processing Analysis

As part of the Court’s effort to increase the efficiency of its case processing operations and maintain them at an optimum level, the Court established the Differential Court Management (DCM) plan for each major case type (Civil, Criminal, Family and Juvenile, see “DCM” discussion on pages 18 and 19) as the Court’s own case processing performance standards. In 2000, the state of Maryland established statewide case processing performance goals to enable courts to evaluate their performance against time standards, a statewide average, as well as with other Maryland jurisdictions. For Circuit Courts, case processing time standards are available for seven major case types, including Civil, Criminal, Family, Juvenile Delinquency, Child in Need of Assistance (CINA) Shelter Care, CINA Non-Shelter Care, and Termination of Parental Rights (TPR). The state case processing time standards provide guidance regarding the efficiency within

which cases should be disposed, as well as set goals against which Courts should measure themselves.

Table 5 provides the statewide time standards and the within-standard percentage goals for each Circuit Court case type, in addition to the FY2008 case processing performance for Montgomery County Circuit and the statewide percentage. The Circuit Court met or exceeded the statewide within-standard percentage goals for Family cases and missed the goals by 3 percentage points for Civil and Juvenile Delinquency cases. The Court's performance was near or above the statewide percentage in all but 3 case types (Criminal, CINA, and TPR cases). The Court's case processing performance is equal to or above the statewide percentage in all case types except for Criminal cases where 86% of the Court's criminal cases closed within the 180-day time standard compared to 91% of the statewide percentage.

Table 5. Statewide Caseflow Assessment Time Standards and Percent of Cases Closed within Time Standard: Statewide Goals, Montgomery County Performance and Statewide Average, FY2008

Case Type	Statewide Assessment Time Standard	% of Cases Closed within Time Standard		
		Statewide Assessment Goal	Montgomery County Circuit Court, FY2008* (# of cases)	Statewide Percentage, FY2008†
Civil	548 days	98%	95% (7,243)	93%
Criminal	180 days	98%	86% (2,613)	91%
Family, Standard 1	365 days	90%	90% (7,673)	90%
Family, Standard 2	730 days	98%	>99% (7,673)	98%
Juvenile Delinquency	90 days	98%	95% (1,492)	94%
CINA Shelter	30 days	100%	80% (173)	74%
CINA Non-Shelter	60 days	100%	90% (73)	86%
TPR	180 days	100%	61% (70)	41%

* These percentages for Montgomery County Circuit Court as well as the statewide are based on samples.

† The statewide percentages are not weighted based on each jurisdiction's overall case terminations.

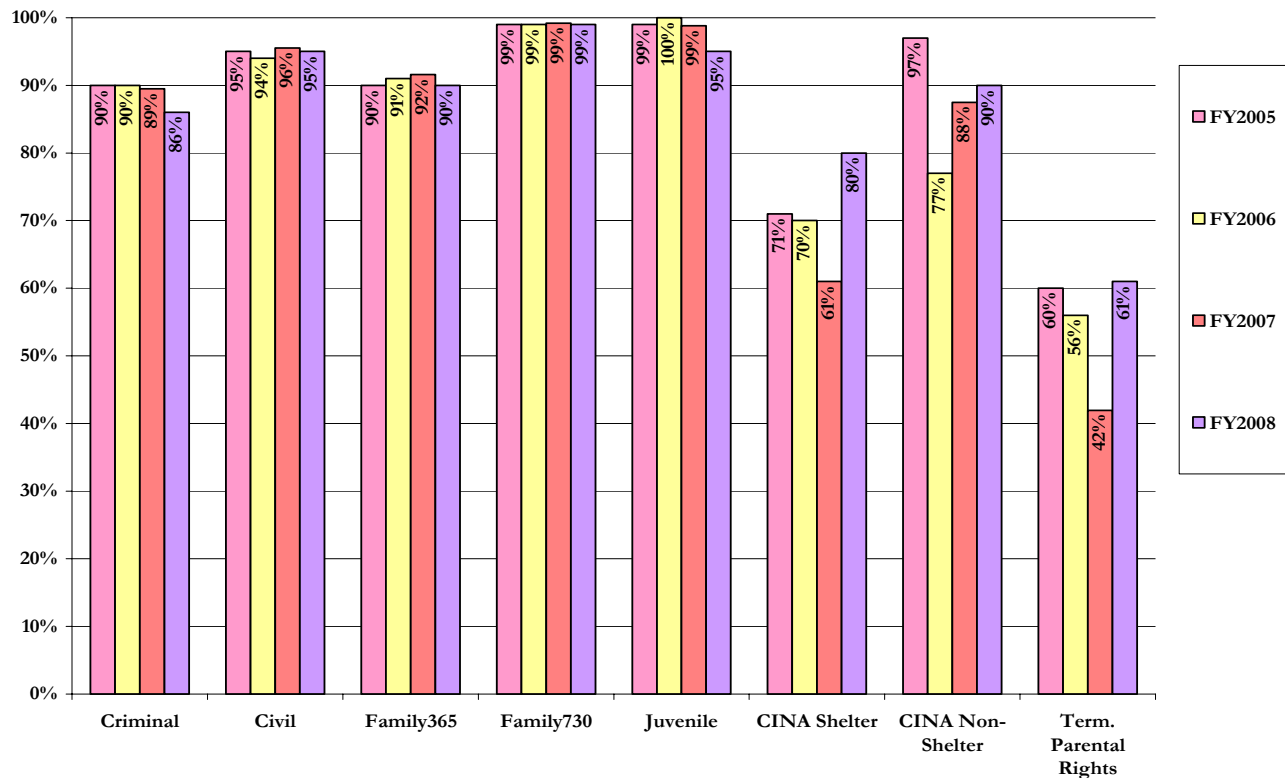
Table 6 compares the FY2008 case processing performance of Montgomery County Circuit Court with that of four other 'Large' jurisdictions in Maryland, including Circuit Courts in Anne Arundel County, Baltimore City, Baltimore County and Prince George's County, which are considered as equivalent to the County in terms of the number of presiding judges. For three case types (Civil, Family and TPR), the Circuit Court's performance ranks second closely behind Anne Arundel, which holds first place. For Juvenile Delinquency, CINA Shelter, CINA Non-Shelter, the Court ranks third. Finally, for Criminal cases, the County ranks fourth in case processing performance.

Table 6. Percentage of Cases Closed within the Time Standard by Case Type: Montgomery County vs. 4 “Large” Jurisdictions, FY2008

Rank	Criminal	Civil	Family (365 days)	Juvenile Delinquency	CINA Shelter	CINA Non- Shelter	TPR
1	Prince George's (95%)	Anne Arundel (97%)	Anne Arundel (95%)	Anne Arundel (100%)	Prince George's (99%)	Anne Arundel (100%)	Anne Arundel (100%)
2	Anne Arundel (94%)	Montgomery (94%)	Montgomery (90%)	Prince George's (99%)	Anne Arundel (93%)	Prince George's (100%)	Montgomery (61%)
3	Baltimore County (88%)	Prince George's (94%)	Baltimore County (85%)	Montgomery (95%)	Montgomery (80%)	Montgomery (90%)	Prince George's (56%)
4	Montgomery (86%)	Baltimore County (90%)	Baltimore City (83%)	Baltimore City (94%)	Baltimore County (69%)	Baltimore County (83%)	Baltimore County (52%)
5	Baltimore City (82%)	Baltimore City (87%)	Prince George's (82%)	Baltimore County (90%)	Baltimore City (63%)	Baltimore City (24%)	Baltimore City (19%)

Figure 18 provides Montgomery County Circuit Court’s case processing performance by case type measured in terms of the percentage of cases closing within the state-defined time standards for FY2005 through FY2008. While the Court’s performance has been fairly consistent since the data was originally collected in 2001, CINA and TPR cases exhibit some fluctuations. The reason for the marked fluctuations in child welfare cases is because the number of these cases is relatively small compared to other case types, which can greatly impact performance statistics when one or two additional cases fall over the time standard.

Figure 18. Montgomery County Circuit Court: Percent of Cases Closed Within-Standard, FY2005-FY2008

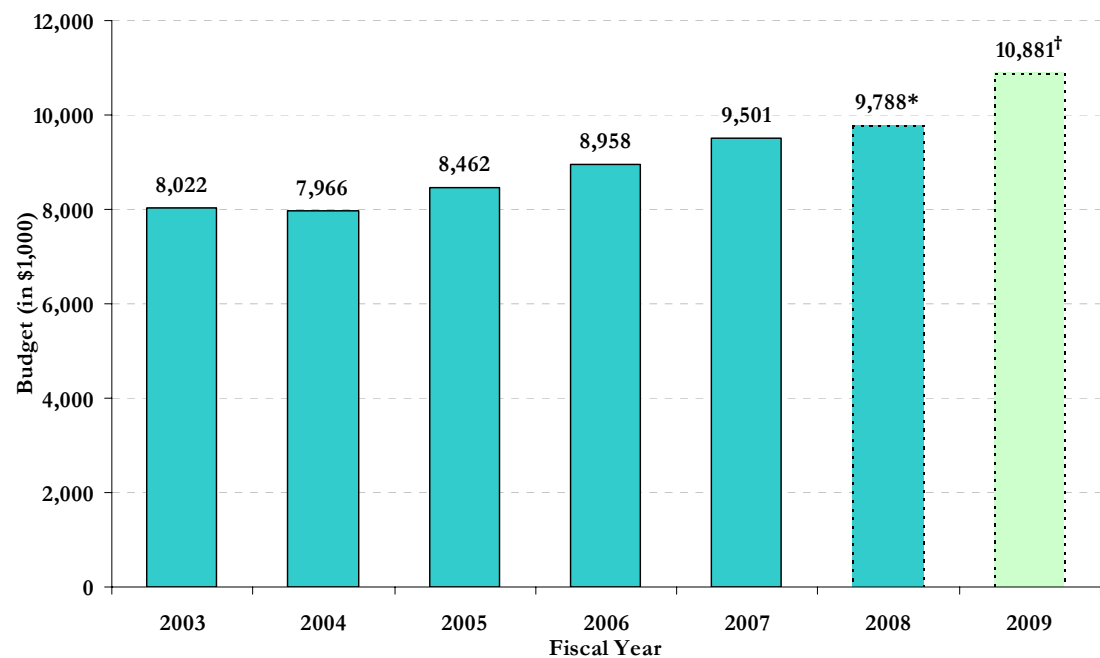


As in other Circuit Courts in Maryland, Montgomery County Circuit Court maintains two budgetary systems: Office of the Clerk of the Court under the State government budget and Court Administration under the County budget.

Office of the Clerk of the Court

As shown in Figure 19, after a slight decline from FY2003 to FY2004, the Clerk of the Court's actual budget increased by approximately \$500,000 per year from 8 to 9.5 million dollars between FY2004 and FY2007, a 19% increase.¹⁶ The FY2007-2008 increase is expected to be much smaller at 3%, compared to the average annual increase of 6% between FY2004 and 2008. The legislative appropriation for FY2009 is 10.8 million dollars, a substantial increase (11%) from the appropriated budget in FY2008.

Figure 19. Clerk of the Court Budget, Montgomery County Circuit Court, FY2003-FY2009



Sources: Maryland Department of Budget and Management, *Proposed Operating Budget Detail, Volume I. Judicial and Legal Review, FY2005-2009* (FY2003-08), Montgomery County Circuit Court Clerk's Office (FY2009)

* Budget Book Appropriation

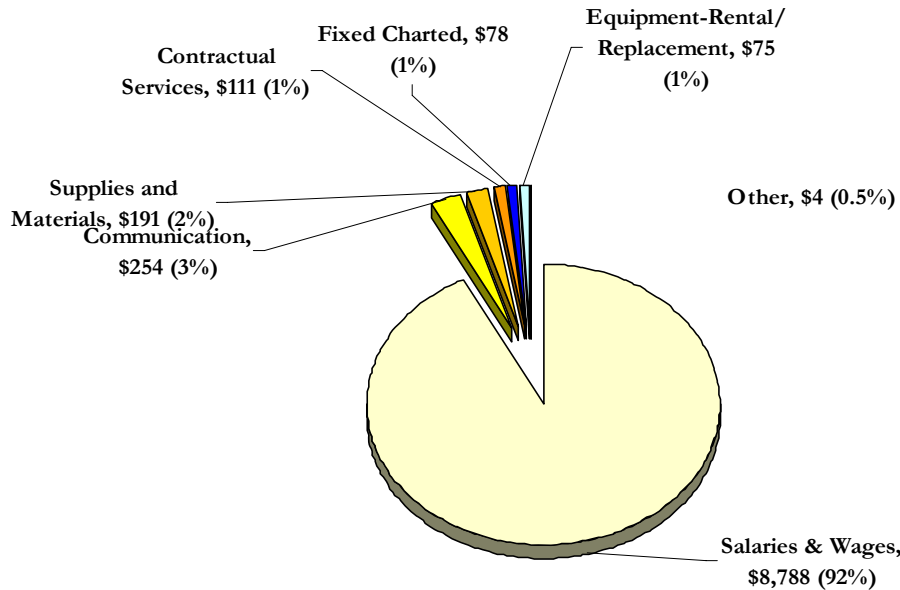
† Legislative Appropriation

Figure 20 provides the breakdown of the Court's expenditures realized in FY2007. Over 90% of the Court's \$9.5-million expenditures incurred in FY2007 were staff compensations and fringe benefits (\$8.8 million, 92%). Operating expenses account for

¹⁶ Budgetary data for the Clerk of the Courts was obtained from the Maryland Department of Budget and Management, *Proposed Operating Budget Detail, Volume I. Judicial and Legal Review, FY2005-2009*.

the remaining \$0.7 million. In FY2007, over 80% of the Court staff and operations are funded through the State General Fund, 16.5% through State Special Fund and the remaining 3% through the federal funding.

Figure 20. Clerk of the Court Expenditures (total \$9,500,930, all figures in \$1,000s), Montgomery County Circuit Court, FY2007



Source: Maryland Department of Budget and Management, *FY 2009 Proposed Operating Budget Detail, Volume I. Judicial and Legal Review*

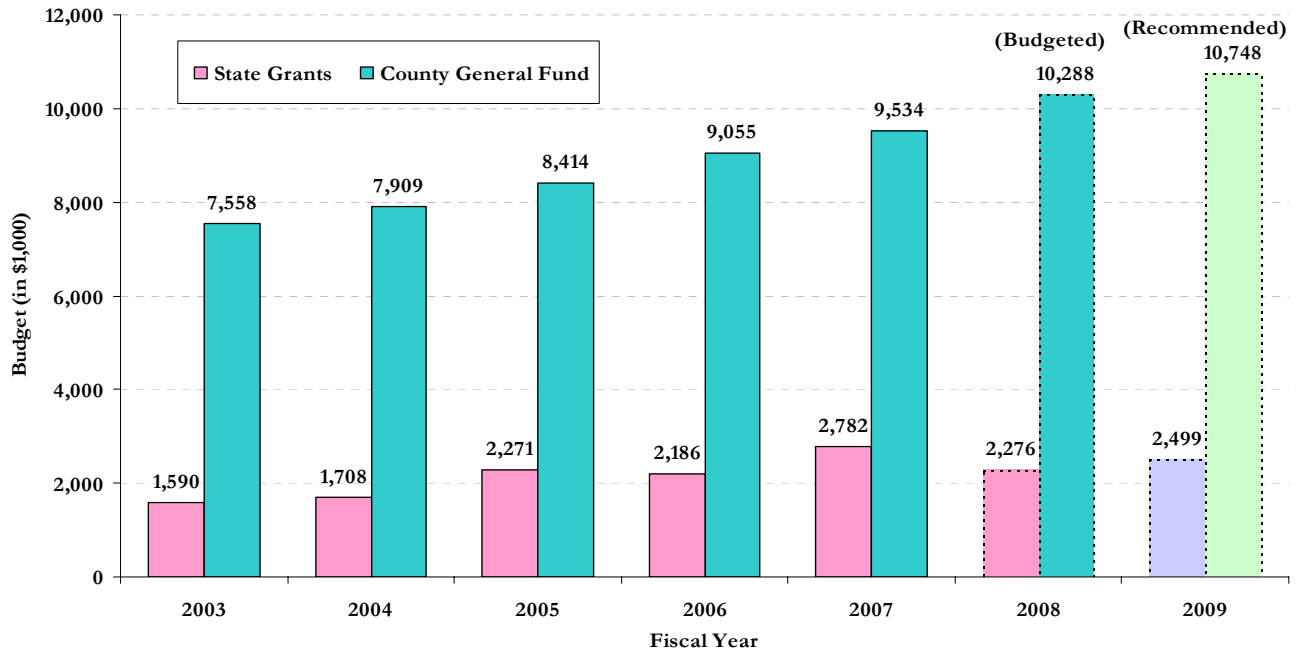
Court Administration

As shown in Figure 21, the Court Administration's budget consists of two major components: 1) the Montgomery County General Fund and 2) various State grants. Between FY2003 and FY2007, the Court Administration's actual budget funded through the County's General Fund increased by 26% from 7.6 to 9.5 million dollars with an average increase of 6% per year.¹⁷ During the same period, the size of the state grants, the majority of which is for the operation of Family Division Services (FDS), increased from 1.6 to 2.8 million dollars, a 75% increase with an annual increase of 16%. As a result, between FY2003 and 2007, the overall budget of the Court Administration increased from 9.1 million dollars in FY2003 to 12.3 million dollars in FY2007, a 35% increase (an average of 8% increase annually). The approved budget for FY2008, however, was 12.6 million dollars with an estimated FY2007-2008 increase of 2%, much smaller than that of previous years. The approved FY2009 budget is 12.6 million dollars, virtually unchanged from the FY2008 level. The Circuit Court, like other County departments, reduced its recommended FY2009 budget by over \$600,000 to alleviate the anticipated FY2010 budget shortfall even though its share of the

¹⁷ Budgetary data for the Court Administration was obtained from Montgomery County Office of Management and Budget (OMB), *Approved Operating Budget and Public Service Program, FY2005-2009*. Most recent copy of the report, *FY09 Approved Operating Budget and FY09-14 Public Service Program*, is available from the OMB's website (<http://www.montgomerycountymd.gov/ombtml.asp?url=/content/omb/FY09/appr/index.asp>)

entire county budget is miniscule; even combined with the state grants, the Court's FY2009 budget (13.2 millions dollars) is less than 1% (0.3%) of Montgomery County's FY2009 operating budget (4.6 billion dollars).

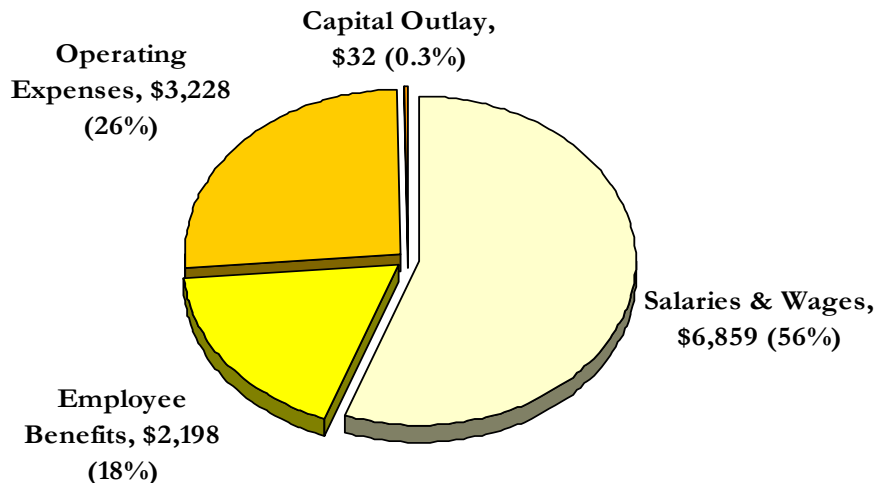
Figure 21. Court Administration Budget by Source of Funding, Montgomery County Circuit Court, FY2003-FY2009



Source: Montgomery County Office of Management and Budget, *Approved Operating Budget and Public Service Program, FY2005-2009*

Figure 22 provides the breakdown of the Court's expenditures realized in FY2007. Close to three quarters (74%) of the Court's \$12-million expenditures incurred in FY2007 were staff compensations (\$ 6.8 million, 56%) and fringe benefits (\$2.2 million, 18%). Operating expenses account for most of the remaining \$3.2 million.

Figure 22. Court Administration FY2007 Expenditures by Category, (total \$12,316,367, all figures in \$1,000s), Montgomery County Circuit Court



Source: Montgomery County Office of Management and Budget, *Approved Operating Budget and Public Service Program, FY2009*



Montgomery County Circuit Court
50 Maryland Avenue
Rockville, Maryland 20850